HOUSE OF REPRESENTATIVES—*Tuesday, February 16, 1993*

The House met at 12 noon.

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

We join together in prayer this day in thanksgiving and gratitude for all the blessings of life—the blessings of faith and family, the gifts of hope and harmony, and the opportunities for service to people about us. May we be unselfish with our time and abilities in service to other people and enthusiastically respond to Your gifts of life. We earnestly pray that we will be faithful to the high calling we have received and steadfast in our daily tasks so we will be people of integrity and good will with the marks of justice and mercy. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from California [Mr. CALVERT] will please come forward and lead the House in the Pledge of Allegiance.

Mr. CALVERT 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, February 5, 1993:

H.R. 2. A bill to grant family and temporary medical leave under certain circumstances.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 U.S.C. 1024(a), and the order of the House of Thursday, February 4, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on February 4, 1993, did appoint as members of the Joint Economic Committee the following Members on the part of the House: Mr. ARMEY of Texas; Mr. SAXTON of New Jersey; Mr. COX of California; and Mr. RAMSTAD of Minnesota.

COMMUNICATION FROM THE HONORABLE DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the House that a member of the staff of the Committee on Ways and Means has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

COMMUNICATION FROM THE DOORKEEPER OF THE HOUSE

The SPEAKER laid before the House the following communication from the Doorkeeper of the House of Representatives:

OFFICE OF THE DOORKEEPER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

JAMES T. MALLOY.

TIME FOR AMERICANS TO PITCH IN

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

Mr. BONIOR. Mr. Speaker, the President has challenged us. He showed true leadership. He offered bold change. The battle lines are drawn. Here is the question: Whose side are you on? Are you for jobs? For growth? For education? For health care? For having the people who made out like bandits in the eighties pay their fair share? For investing in the future of our families? The President is.

The special interests are already saying it will not work. They learned one thing from the eighties. Just say no. Well, Americans are ready to say yes. Yes to investing in the future. Yes to families. Yes to decisive action.

The President's pitch last night was a perfect strike. Now it is time for all of us to pitch in.

A TAX BY ANY OTHER NAME IS STILL A TAX

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

Mr. SAXTON. Mr. Speaker, a tax by any other name is still a tax. In 1986 Congress raised taxes and said it was tax reform. In 1990 Congress raised taxes and said it was deficit reduction. Today President Clinton wants us to raise taxes on the middle class and he says it is patriotism.

A tax is a tax is a tax; it does not matter what we call it. One might ask, when is enough enough. Tax increases did not work in 1986 or in 1990 to help our economy grow, so what makes the President think that raising taxes on the middle class this year will be any different?

Mr. Speaker, today we are collecting record levels of revenues from all of our taxes. The real villain is not that we do not have enough money; the real villain in the surge of the deficit is uncontrolled Government spending. That is what we need to cut, not increase taxes on the middle class.

UNITED STATES MUST LEAD TO STOP SERBIAN AGGRESSION

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

Mr. KING. Mr. Speaker, the genocide being carried out by Serbia against the people of Bosnia defies human comprehension.

Equally incomprehensible is the inability and refusal of Western leaders to effectively confront this holocaust. The failure to stop Serbian aggression and ethnic cleansing is not only morally wrong, but—if allowed to continue—will prove strategically disastrous.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The Owen-Vance plan is no answer. Like the Munich Pact of 1939, it is unworkable and rewards aggression. It allows the world to pretend it is doing something while the slaughter of innocent men, women, and children continues.

Regretably, the Clinton administration's proposal would endanger American ground troops by having them enforce the Owen-Vance plan. The time has come for the United States to lead the NATO alliance and other regional powers in taking meaningful action against Serbian aggression, without risking American ground forces.

Unless Serbia immediately desists, there must be full-scale air strikes directed at Serbia's artillery positions around Sarajevo, all supply routes leading into Bosnia, and energy facilities and manufacturing installations in Belgrade. Immediate action must also be taken to provide the Bosnians with the arms necessary to defend themselves.

It is only after a demonstration of American leadership and NATO unity that the Belgrade regime will begin to listen and there will be any hope of bringing a lasting peace to the Balkans.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 45. Joint resolution authorizing the use of United States Armed Forces in Somalia.

□ 1210

PRESIDENT CLINTON TELLS IT STRAIGHT

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

Mr. WISE. Mr. Speaker, last night the President told it straight, and he told us, the American people, what we already knew, that there is no easy way out, and that we must all be in this together.

He said it is a comprehensive package that is needed, not bits and pieces, one that concentrates on jobs, on economic stimulus, short and long term on deficit reduction and on investment in the long term and on health care.

Yes, I hear the nay sayers, and some of them will be heard today. Those are the same people who presided over the last 12 years of a declining middle class, of declining wages, of declining education standards, of soaring health care costs. Do we want more of the same?

Most people that I talk to say, "I know this isn't working for me, what's happening right now, and what's worse, I'm scared for my kids and what they are going to have."

The President is offering a comprehensive plan, a long-term one. Everybody gives. The middle class gives, and most importantly, they see they also gain. It is a plan that we all need to pay close attention to.

A COLLECTION OF SLICK-ISMS FROM PRESIDENT CLINTON

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

Mr. WALKER. Mr. Speaker, last night we heard quite a collection of slick-isms parading as changed public policy.

Investment now means more money for politicians to spend on their pet projects. Contribution now means money which is coerced out of your pocketbook to pay for big government. Sacrifice now means that you give up a lot so that government does not have to give up anything. And patriotism, which used to mean a willingness to bleed and die for your country, now means a willingness to be bled dry by your country.

WITH PRESIDENT CLINTON, HONESTY IS BEST POLICY

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

Mr. FROST. Mr. Speaker, I cannot tell you how refreshing it is to have a President of the United States who is honest with the American public.

I had the opportunity to meet with President Clinton at the White House yesterday along with other Members of Congress and then to watch his nationally televised speech last night.

This is a President who tells the public the truth. He uses real numbers for his economic assumptions—the conservative figures prepared by the Congressional Budget Office—not pie in the sky economic assumptions like the ones used by the Reagan and Bush White Houses. Thus, we will not suddenly find out at the end of the year that the deficit is much higher than originally projected because of using false figures at the outset.

Also, this is a President who looks people straight in the eye and tells them what he expects. He expects upper income Americans—the ones who profited from large tax cuts during the 1980's—to help with our economic recovery by paying higher taxes in the 1990's and he tells it straight to the rest of us—we will all have to contribute something.

Honesty is the best policy. It is certainly nice when that is the policy set by the President.

WHO ARE THE RICH, PRESIDENT CLINTON?

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

Mr. HEFLEY. Mr. Speaker, in his campaign for President, Bill Clinton said he would raise taxes only on the rich; in fact, the middle class would get a cut.

But the Pine Bluff Commercial, a newspaper in Arkansas, then said of their Governor:

If Congress followed the example Bill Clinton has set as governor of Arkansas, it would pass a program that hit the middle class the hardest.

In his first address to the American people from the Oval Office, he has called for sacrifice.

He has said that the middle class would have to make more contributions.

And he is proposing an economic plan that will, you guessed it, hit the middle class the hardest.

In my mind, the prognosticator of the year award should go to the Pine Bluff Commercial of Arkansas.

They were the first to accurately predict Clinton's economic plan. If Clinton tells us the truth tomorrow night, it will be a nice change from his performance thus far.

PRESIDENT CLINTON'S ADDRESS TO THE NATION

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

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to urge all of my colleagues and all America to warmly embrace the promising dawn of fundamental economic renewal outlined by President Clinton so honestly and succinctly last evening. After more than a decade of both trickle down economics—which barely even dripped to those most in need, and 1,000 points of light—which were constantly obscured by clouds of smoke, we have a President with a true vision and realistic economic plan. President Clinton's plan is to get America back on track with investment in those essential things that make America stronger, smarter, and more prosperous—jobs, education, and health care. His vision is for a nation which pays more than lipservice to stimulating our struggling economy. And while everyone will be asked to contribute, everyone will also share in the inevitable rewards of a sound, fair economic policy.

As President Clinton stated last night Mr. Speaker, the administration, the Congress, and the American people are in this economic rebuilding process together. We all have been called to be architects and builders of the future. I urge my colleagues on both sides of the

aisle to strap on their tool belts, and begin chiseling away at the last 12 years of economic and social rust and decay in order to clean the foundation for the coming revitalization of what for a long while has been the American dream, but will soon be the American reality.

BROKEN PROMISES BY PRESIDENT CLINTON

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

Mr. COX. Mr. Speaker, President Clinton says trust me, most of these taxes will be paid by the rich. But this is the same Bill Clinton who broke his solemn pledge to boost the economy with a middle class tax cut.

This is the same Bill Clinton who broke his solemn pledge to cut the deficit in half over 4 years.

This is the same Bill Clinton who broke his solemn pledge not to tax the elderly working poor. Now Clinton wants married senior citizens who make less than $20,000 a year each to pay new taxes on their meager Social Security incomes.

This is the same Bill Clinton who not only broke his solemn pledge to cut the White House staff 25 percent, but who faked the numbers for the American people, shifting employees to other Federal payrolls and claiming to save money.

President Clinton's budget adviser wanted him to cut $2 in spending for every $1 in new taxes. President Clinton abandoned that proposal too.

President Clinton has broken his word to the American people too many times. He asks us now to trust him. Why should we?

SMITH CORONA TYPEWRITER DUMPING

(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, Japan had a $135 billion trade surplus last year, most of it at the expense of American workers, due to illegal dumping.

But now check this out, Congress. Japan is complaining that Smith Corona, formerly of New York, now having moved to Mexico because of Japan's illegal dumping, they are saying that Smith Corona is dumping typewriters in America, hurting their Japanese company in America called Brothers. Now how does that rub your microchip, folks?

I say it is time for Japan to swallow some of that illegal trade themselves.

Let me say this: It is bad enough that we do not manufacture a television, or telephone, we do not manufacture a typewriter in America anymore. Japan forced Smith Corona from New York to Mexico, and we are going to hear them crying?

I think it is time for Japan to get the message loud and clear.

CUT SPENDING, DO NOT RAISE TAXES

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

Mr. SMITH of Texas. Mr. Speaker, Bill Clinton campaigned as a new kind of Democrat. Now we know that really means new kind of taxes.

Mr. Clinton said America needs to change. Less than a month after becoming President his middle-class tax cut has changed to a middle-class tax hike.

Mr. Clinton promised middle-class Americans a $60 billion tax cut. And he asserted an energy tax would be "an unfair hit on the middle class." He is about to break both of the pledges he used to attract voters. We have every right to hold President Clinton to the same standard to which he held President Bush during the campaign.

President Clinton says he wants the wealthy to pay their fair share. Yet, the top half income earners already pay 94 percent of the taxes.

During the last 20 years tax collections have increased 400 percent. President Clinton still thinks Americans do not pay enough taxes.

The reason we have a deficit is not because Americans are undertaxed; it is because the Government overspends. Federal spending has increased 500 percent over the last 20 years. We should cut spending, not raise taxes.

□ 1220

A STRIKE AGAINST THE CONSTITUTION

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

Mr. RANGEL. Mr. Speaker and my colleagues, I take the floor to speak on behalf of my friend and our colleague, the gentleman from Tennessee [Mr. FORD].

As most of you know, he was born and raised in Memphis, TN. He has been charged with some kind of bank fraud, and he begins his second trial, the first trial having had a hung jury. This is for charges that occurred before he became a Member of Congress.

As a lawyer and former Federal prosecutor, I assume that most of America thought that everyone was entitled to be tried by a jury of their peers. However, in the case of HAROLD FORD, the Government said it could not get a fair trial in Memphis, TN, where Congressman FORD represented the area and was born and raised. Could I repeat that: That the awesome, powerful U.S. Government could not get a fair trial in Memphis, and so what they have done is that the Federal judge, instead of picking jurors out of Memphis, TN, which is urban and almost half of them African-American, has seen fit to go to Jackson, TN, and to go to rural communities in Tennessee where over 80 percent of the people are white.

This is the jury that is coming into Memphis to try our colleague. If it happens to him, it can happen to any of us, but worse than that, it could happen with people that are less political, and I think that it strikes against our Constitution.

PROVIDE OPEN RULE FOR CONSIDERATION OF THE HATCH ACT

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

Mr. WOLF. Mr. Speaker, the schedule shows that next week the Hatch Act will be brought up. I call on the leadership of the House that when they bring the Hatch Act up that they bring it up under an open rule.

I have an amendment which I want to offer to it which would prohibit Federal employees from the FEC to be involved in political activity, would prohibit IRS investigators to be involved in political activity, and would also prohibit U.S. attorneys to be involved in political activity.

Please, do not bring up a gag rule and prohibit us from offering these amendments.

I was a Federal employee before I was elected to Congress. Most Federal employees oppose changing the Hatch Act, because they are concerned that they will be politically involved.

I ask all Members, particularly on my side, if they bring this up under a suspension of the rules, vote no. But I would ask the Democratic leadership, as you bring this up, give us the ability to offer amendments.

PRESIDENT PUTTING CHILDREN FIRST

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

Mrs. SCHROEDER. Mr. Speaker, we are hearing some fairly heavy charges today that President Clinton is not telling the truth.

Well, first of all, if it is true that the deficit is a lot less than he is saying, I wish people would, please, get us those numbers. I think even President Clinton would be happy to know that. If someone has some information that a deficit this large is not going to harm the economy but be great for it, please, bring that forward, because we have not seen anybody argue about that.

Now, if you are going to deal with this debt and you agree that the debt is harmful and you must deal with the debt, then I figure we must get on with it, and I salute him for trying.

I must say to anyone who wants to attack him, they have the opportunity to come up with a better plan. One of the most exciting things in his plan is he has finally put the children in the budget. We are finally going to immunize kids. Can you believe it? What a radical concept. We are way behind every country on the planet doing that, and I think that if he wanted to do it cheaply, we could even use some of the U.S. military medical personnel to carry this out so that we get it done once and for all.

The good deal is that while we may have to pay a little bit to get it done now, we are going to save $5 to $10 later on. Those are the wise decisions he is making, and before we attack it, let us see people come up with a better idea first.

CUT BUDGET BEFORE RAISING TAXES

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

Mr. EWING. Mr. Speaker, this week, the President is calling for shared sacrifice from the American people and will announce major new tax increases which will hit the middle class, despite his campaign promises to cut their tax burden. But before we even think about raising taxes, let us see some real cuts in the bloated Federal budget. The Federal Government ought to sacrifice first.

Mr. Speaker, the American people have heard this old song and dance before. The Democrats in the administration claim that they will cut spending in addition to raising taxes, but somehow we never see the spending cuts. After the 1990 budget deal, the middle class sure got the tax increases, but for every dollar raised the Congress spent another $2.37.

The President says that he will propose 150 budget cuts in his State of the Union address. I hope these will be significant cuts, and we should not vote on any tax increases until Congress at least approves those cuts.

Working women and men will not be fooled again by broken promises of spending cuts in exchange for tax increases. They should demand to see the budget cuts first, before we even think about raising taxes on working Americans.

PATRIOTISM OVER PAROCHIALISM

(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, I was privileged yesterday to join President Clinton and many of my colleagues at the White House to talk about the economic program, and, along with millions of Americans, I watched his speech last night.

I think clearly certain hallmarks of his administration are already emerging, and one hallmark is that he stands for change against the status quo. There is pain in change, but there is payoff in the acceptance of change, because status quo yields more of the same.

We will have, under his economic program, a healthier future, healthier economically, and healthier from the standpoint of the health of our population.

Another hallmark of the Clinton presidency is that he stands for the future, but learns from the past. We had our meeting in the Roosevelt Room, and Mr. Clinton has studied those Presidencies. He knows that sometimes a great leader has to be the dispenser of bitter and hard medicine, but that such medicine will make you well.

The President stands for patriotism over parochialism. Everyone who votes on his economic package, for or against, is a patriot in this Chamber. What the President means, in calling on us for a show of patriotism is that we must put parochialism, localism, and regionalism behind us and try to look at the overall good for the country.

Mr. Speaker, the one thing that could intrude upon all of this is the special interests and their opposition. We need strong campaign finance reform, we will talk about the details later, to bring the special interests under control so that we can do a very serious job of evaluating this proposal of the President.

THE PROMISE OF TRUTH AND HONESTY

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

Mr. DELAY. Mr. Speaker, our Democrat colleagues have been parading before the microphones this morning telling us that tomorrow night the President will come to this Chamber and give us truth and honesty. Maybe that is the change that he promised us in the last election.

Then all during last year he told us that last year was the worst economy that we have had in 50 years. Yet we have found out differently. In fact, we did not even have a recession last year. We had growth.

He promised tax cuts for middle-income Americans and all kinds of other promises. Yet in the last 27 days he has broken more promises than he has kept.

He told us that he did not know that the economic conditions were so bad last year. Yet we found out that he has known it ever since this summer and probably even before.

Last night, he said that the tax burden over the last 12 years had shifted to middle-income America, and no one is proposing that at all. We know where the tax burden shifted in this country. It shifted from middle income, in great numbers, to upper income Americans.

He said he is going to put people first. Yet we saw last night that he is putting the Government first.

Truth and honesty is in the eye of the beholder, and the eye of the American people will be on the President tomorrow night.

SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC WORKERS

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

Mrs. MEEK. Mr. Speaker, I am pleased to introduce today legislation to raise the threshold requirement for the withholding of taxes on wages paid to an employee engaged in domestic services and to simplify the payment process. Under current law, an employer is required to withhold taxes on $50 or more paid per quarter to a domestic worker such as a maid or a babysitter who comes to the employer's home to perform the service. Raising this threshold to $300 per year and enabling employers to coordinate their payments with the payment of their income taxes will have many benefits.

Although this proposal received favorable consideration in the last Congress, it was not enacted. Ironically, the issue of withholding taxes for domestic workers has received widespread publicity recently with the problems of Zoe Baird and other prominent people.

The present withholding requirements can have a detrimental effect on the hiring of domestic workers who work independently of companies that contract for services in the home. Many people just do not want to deal with all the paperwork, and they find it easier to call a cleaning or gardening service that will take care of withholding for their employees. Many parents may choose to hire a regular babysitter outside of their home rather than in their home in order to avoid the hassle of withholding.

My bill will reduce the paperwork, but I want to assure my colleagues that it will not do away with the responsibility of employers to pay taxes on behalf of their employees. Social Security is an important protection for these workers who need to have retirement benefits to keep them out of poverty in their later years. Social Secu-

rity taxes will be paid by the employer at the time at which he files his income tax return. Any unemployment taxes that are due can be paid in the same manner. My legislation will reduce the paperwork burden but not the financial responsibility of the employer.

Mr. Speaker, I believe that people want to do the right thing by their domestic employees but are often scared off by the bureaucratic procedures of withholding. They are tempted to pay under the table or to avoid hiring certain workers. My bill will increase, not reduce, compliance. I urge my fellow Members of the House to support this effort.

□ 1220

PAIN, NO GAIN

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

Mr. CANADY. Mr. Speaker, President Bill Clinton, in his address to the American people last night, promised a great deal of pain, but he did not really clarify what pain might gain us. He said his economic plan would create 500,000 new jobs, but he did not say where these jobs would be created. He said he wanted to cut the deficit, but he did not say by how much.

He said he wanted to invest more but did not really clarify where the investment will be made.

He called for sacrifice. He called for contributions. And he asked the middle class to pay more in taxes.

So, what will this pain gain us? Well, according to the stock market, which has already fallen 72 points today after the President's speech, it will not produce more economic confidence, it will not produce a more vibrant private sector, it will not produce real private sector expansion.

President Clinton's plan for pain will gain us only more pain. That does not seem like a reasonable sacrifice to me; it is a sacrifice the American people should not be forced to make.

ON BEHALF OF CONGRESSMAN HAROLD FORD

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

Mr. HILLIARD. Mr. Speaker, a grave injustice to Tennessee's first and only black Congressman has occurred. In the words of USA Today columnist Dewayne Wickham, "The scales of justice are way out of balance."

Congressman FORD, who is facing retrial on fraud charges in his 6-year-old indictment is facing judgment by a jury which is not only outside his home and congressional district, but it consists of 17 whites and 1 African-American.

This extraordinary situation is based upon the prosecution's argument that because of the Congressman's popularity in his own congressional district, the government cannot get a fair trial.

The prosecution has been given a right which it does not deserve, to remove the trial from the home of the person charged to a jury not representative of his home.

If this trial, with a bused-in jury is allowed to occur, a dangerous precedent will have been set. If this precedent stands, what will stop this from happening to other Members of Congress.

The conclusion that jurors cannot be found among the more than 400,000 African-Americans in the Memphis district is an idea that cannot be defended. It is a serious violation of his constitutional and civil rights.

Congressman FORD is not asking that the wheels of justice be stopped, he is only asking for relief from a system which has gone awry, a system which has given him a stacked jury, rather than a jury of his peers, which the Constitution is supposed to guarantee him.

I ask my colleagues, both black and white, Democrat and Republican, male and female to speak out against this severe injustice.

HIGHER TAXES FOR AMERICAN BUSINESSES MEAN HIGHER PRICES FOR AMERICAN CONSUMERS

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

Mr. HORN. Mr. Speaker, last night President Clinton promised in his new economic plan that he would create 500,000 jobs in the next 2 years. I have to ask where will those new jobs come from? They will not come from higher taxes. Higher taxes for American businesses simply mean higher prices for American consumers. Higher prices for consumers mean less money available for investment. Higher taxes for businesses and individuals mean less capital available for investment in new products. But it means we will not be as globally competitive as we should be.

We must do better than our current level of employment. We need to increase employment more than decrease it. More taxes on businesses and individuals will be counterproductive to a full-employment America.

Taxes are the wrong solution at the wrong time.

Before we raise taxes on the working middle class, we need to tighten our governmental belt, including that of the multibillion-dollar Congress.

The economy of southern California is devastated; we need more jobs, but not make-work jobs.

I think we should all ask President Clinton the simple question: Where will those jobs come from? They will not come as a result of more taxes.

CONGRESSMAN FORD DESERVES JURY OF HIS PEERS

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

Ms. WATERS. Mr. Speaker, I rise today to call on Judge Jerome Turner in Memphis, TN, to put an end to the outrageous miscarriage of justice with the retrial of Congressman HAROLD FORD. This trial cannot proceed with a jury that has been bused into Memphis from Jackson, TN.

Mr. FORD is African-American. The Memphis area State judicial district, his district, is approximately 40 percent African-American. The rest of west Tennessee, which includes Jackson, is less than 20 percent African-American. This bizarre busing in of jurors from Jackson has resulted in the selection of 12 jurors and 6 alternates, only one of whom is African-American, and 17 of whom are caucasian. This outrageous manipulation of the jury selection system has been caused by a belief that Mr. FORD is too popular in Memphis. The Constitution of the United States does not deny justice because of popularity. The Constitution guarantees a defendant a jury of his peers. This basically all-white, hostile jury is not a jury of Congressman FORD's peers, but rather in selecting from those bused in, the judge even commented on their bias.

Let us start all over again and select a representative jury from the Memphis judicial district.

THE NEW POLITICAL VOCABULARY

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

Mr. KIM. Mr. Speaker, last night President Clinton introduced some new terms into the political vocabulary, terms that I believe need some further defining.

The word "contribution," in case you were wondering, is a new word for higher taxes. Keep this in mind when the IRS comes calling asking why your contribution is late.

Investment means higher Federal spending on social programs. A year from now when President Clinton defends why he is spending more instead of spending less, he will say he is investing.

Rich no longer simply means millionaires; it does not mean those making over $200,000 a year. Now it means couples who make over $100,000 a year. That means if you and your spouse both make $50,000 a year, you are rich.

Patriotism does not necessarily mean defending your country; now it means simply going along with President Clinton's request to increase the middle class' contribution.

I urge the American people to keep this new vocabulary in mind for the next 4 years.

Where is George Orwell now that we need him?

PRESIDENTIAL LEADERSHIP

(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, last night President Clinton observed Presidents Day by offering Presidential leadership to our great country. The President presented to the American people a fair and smart proposal for a stronger economy and a brighter future. In the proposal, our children and our families benefit from Head Start, health care, higher education, and job creation. Businesses also benefit because the package will result in a lower cost of capital, a better-trained work force, and larger markets for our products. Our economy will benefit from the initiative to stimulate the economy; the investment in infrastructure will produce 500,000 new jobs immediately.

Also, the investment tax credit, the research and development tax credits, and targeted capital gains tax reduction will promote growth in emerging growth companies and technologies, making us more competitive internationally.

The entire package will stimulate the economy, cut spending, reduce the deficit; all this in a way that is fair to all Americans.

□ 1240

The President has shown the way. If we can improve on the package, we should do so. If not, then let us get on with it. The American people expect us to give our new President a chance.

PUTTING WASHINGTON FIRST

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

Mr. HASTERT. Mr. Speaker, President Clinton won an election last fall on his pledge to limit his tax increases to the wealthy. It has been fascinating to watch how his definition of that term has changed over the past few months.

What Mr. Clinton defined 6 months ago as "those making more than $200,000 a year" has been cut in half last night to $100,000. At this rate he is likely to start defining wealthy as simply working, and defining working as undertaxed.

The candidate who told us flat out that he would not raise taxes on the middle class to pay for his programs now promises only to try not to hit the middle class first.

Mr. Speaker, in my district two schoolteachers filing a joint return, paying on a mortgage on their homes, and putting two children through college, are all of a sudden finding themselves waking up this morning, reading the newspapers, and all of a sudden they are rich.

Last night, Mr. Speaker, the President said that for the 26 days that he has been in Washington he has not found much common sense here.

Well, I will say, Mr. Speaker, that probably he has been talking to the wrong people.

IN SUPPORT OF CONGRESSMAN HAROLD FORD

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

Mr. PAYNE of New Jersey. Mr. Speaker, the principle of equal justice under the law is one that all Americans should respect and support. In fact, it is a principle we hold in such high esteem that the words "Equal Justice Under the Law" appear on the entrance to the highest court of our land, the Supreme Court.

Yet, in Tennessee, it appears that the basic American principle of equal justice is being seriously compromised in the case of our colleague, Congressman HAROLD FORD.

While the Memphis area State judicial district is about 40 percent African-American, the retrial of Congressman FORD on charges that are 6 years old is being moved nearly 100 miles away from the city. The rest of west Tennessee is 20 percent African-American.

As a result of this unfair move, the final jury is composed of 11 white and 1 African-American. All six alternates are white.

Mr. Speaker, I think it is obvious that the judicial system in Tennessee has deliberately stacked the cards against Congressman FORD. It is not fair, and it goes against the American principle of equal justice under the law. I join several other of my colleagues in strongly protesting this travesty of justice.

WE NEED TO BE AMERICANS FIRST ON THE DEFICIT

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

Mr. SHAYS. Mr. Speaker, because of our annual budget deficit, our national debt has increased fivefold in just 13 years. For this both Congress and the White House must bear responsibility.

We need to reduce these deficits by first cutting spending, and then controlling the growth of entitlements, raising some tax revenues and growing the economy.

I hope my colleagues on both sides of the aisle do not rule out the various alternatives to accomplish this task before they fully evaluate what is being proposed.

There is no perfect package. We need to find common ground and do what we can. We need to be Americans first and Republicans and Democrats second.

We need to get this deficit down and we need to do it now.

WORLD CLASS LEADERSHIP IN THE EXECUTIVE BRANCH

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

Mr. OWENS. Mr. Speaker, at last we have world class leadership in the executive branch of Government. We have leadership that has sworn to pursue a path of truth in budgeting, tell the American people the harsh truths about what has happened over the last 12 years.

The deficit was not created by God. It was created by mismanagement. A lack of industrial policy meant that our jobs flowed to our competitors.

A number of major steps have to be taken to set right what has been going wrong for the last 12 years.

We have a President who is going to bite the bullet. We want the American people to join. We certainly all need to join in turning around the situation that has made it impossible for us to go forward toward the year 2000 with any hope of maintaining our leadership in the world.

The President has proposed a two-prong attack. On the one hand he is going to create the incentives for new jobs. He is going to provide full funding for Head Start. He is going to do the kinds of things that we know are necessary in order to invest in human beings and keep our Nation competitive. Human assets come first.

He is also going to invest in the infrastructure that has been neglected for so long.

He is also going to enunciate the outlines of an industrial policy that will lead to us remaining a first-class economy in the world and not the kind of second-class economy that we have become under the leadership of the last 12 years.

AMERICAN TAXPAYERS DO NOT DESERVE TO BE GUINEA PIGS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, last night President Clinton called for bold, persistent, experimentation.

President Clinton should not experiment with middle-class tax hikes. And the American taxpayers do not deserve to be guinea pigs.

Tax hikes will not solve the deficit problem. We must hold the line on spending and reduce or eliminate Federal programs.

I recently received a graphic reminder from Barbara Bowling of Dallas, TX. She offers a sign similar to the one we saw at the Clinton campaign.

When it comes to the economy, "It's the spending, stupid!"

The administration should reduce spending before they even talk about tax increases. They have got the cart before the horse.

President Clinton may try to convince us that tax hikes are patriotic, but without going after spending, President Clinton's tax hikes become just a patriotic pickpocket.

THE PRESIDENT IS PUTTING SPECIFICS ON THE TABLE

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

Mr. FINGERHUT. Mr. Speaker, the previous speaker before the last on the other side of the aisle, the gentleman from Kentucky, said what I think is right, and that is that this is not about Republican and this is not about Democrat. This is about the future of those children sitting up in the balcony right now.

Mr. Speaker, I am a new Member of this body. For years I have listened to people talk about two subjects, about cutting spending and about reducing the deficit.

I have heard that again today from people on the other side of the aisle in general terms; but Mr. Speaker, the problem is that they never get to the specifics. In the first 3 weeks of this administration and last night, President Clinton has gotten to the specifics. On cutting spending, he has reduced the White House by 25 percent, not next year, not in the future, but right now. He has ordered the Federal agencies to reduce their administrative costs by $9 billion. He is going to reduce Federal employment by over 100,000 people.

Indeed, in this body we have already moved to eliminate staff and budget of 16 subcommittees and we are going to continue in that trend. The specifics are on the table.

Mr. Speaker, on the subject of deficit reduction, no one wants to pay higher taxes, but again we have a President who has been willing to put the specifics on the table.

Mr. Speaker, I ask the American people to give this President credit for the specifics and reject those who talk in generalities and are not willing to put the details on the table.

COSPONSOR H.R. 441, CANCEL THE SPACE STATION

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

Mr. ZIMMER. Mr. Speaker, the Clinton White House has reopened the debate on the future of space station *Freedom*, and with good reason.

The space station has earned its status as a budget target. Since its inception, its costs have exploded from $8 to $40 billion and its capabilities have been radically diminished.

Year after year we have been assured that program management problems have been resolved. Yet, each year the budget swells just a bit more, and the scope of the mission is trimmed still further. In the past 2 months alone, a billion dollars of new cost overruns were disclosed.

Enough is enough.

As long as Congress allows it, this program will continue to rob American taxpayers by promising what it cannot deliver.

Congress—and especially those freshmen Members who were elected to change the status quo—must not allow this orbiting pork barrel to continue. Cosponsor H.R. 441. Cancel the space station.

□ 1250

A TRIBUTE TO ROBERT LAINE, A GREAT AMERICAN

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to a great American and a special friend, Robert Laine. Bob Laine is someone who believes in his country and is not afraid to get involved.

A New York native after 3 years in the Navy, Bob Laine served as a member of the Nassau County Bureau of Special Operations from 1969 to 1985. His conscientious dedication to duty earned Bob a congressional award in 1983.

After serving his country and his community, Bob and his wife moved to Pasco County, FL, in 1985. But instead of fading into the background, Bob instead took on the dauting task of rebuilding the Pasco County Republican Executive Committee, which he did with courage and determination.

Today, Bob Laine is still fighting; this time with cancer. But I wanted to take this opportunity to pay tribute to a great American; someone who has consistently put the needs of others above his own. Mr. Speaker, we wish Bob a complete and speedy recovery and look forward to the day when his expertise and commitment will again be put to use for the benefit of his community.

THE INVESTMENT TAX CREDIT ACT OF 1993

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

Mr. TORKILDSEN. Mr. Speaker, I come before the House today to notify my colleagues of a bill that I will be introducing, the Investment Tax Credit Act of 1993.

This is a bill that both Republicans and Democrats can support. Even President Clinton has been calling for some form of an investment tax credit because he knows the benefits an investment tax credit will bring to our economy, and the jobs it will help create.

When an investment tax credit was reinstituted in the early 1980's our economy quickly rebounded from the stagflation of the 1970's. But, net investment in this country has decreased every year since the investment tax was eliminated in 1986. This 10-percent investment tax credit will stimulate businesses to invest capital, increase production, and create jobs.

This tax credit will be for equipment used in production, manufacturing, agriculture, extraction, and research facilities. Businesses will have an incentive to invest now, when we need it most. Any growth in major industries also stimulates growth in other sectors as well. The impact of the bill will be immediate, but the benefits will be long term.

At a time when Americans are demanding action to control the deficit, this bill will help in that fight. Some revenue models project a $30 billion increase in revenues in the first 5 years after an investment tax credit has been initiated. Even long-term models project no loss of revenue with this type of tax incentive. I ask my colleagues to cosponsor this legislation and help invigorate our economy and create jobs by spurring companies to invest today.

INCREASE TAXES OR REDUCE GOVERNMENT SPENDING?

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

Mr. SMITH of Michigan. Mr. Speaker, I was back on my farm this last weekend, and I filled out my income taxes, and I was somewhat upset. But I decided that filling out those tax forms is a good reminder of how deep the Federal Government reaches into our individuals pockets, taking away money that could be otherwise used for the family.

Mr. Speaker, I express my hope that every Member of Congress will make the effort to fill out their own income taxes as a reminder that Government is reaching deep into our pockets and

spending the money probably not as wisely as we could spend our own money.

As I recall the budget agreement of 1990 and the tax increase we have that averages about $30 billion a year, nobody knows where that $30 billion went, and I am told that we increased spending and increased the deficit by an additional $2 for every $1 of taxes that we raised.

Mr. Speaker, I think most Americans are willing to sacrifice. I ask the Members of this Congress, I ask the American people, to look at their payroll deductions, look at their Federal taxes, before we decide whether to sacrifice by increasing taxes or by reducing Government spending.

LINE-ITEM VETO LEGISLATION

(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 I rise to call to your attention legislation I introduced on the first day of the session proposing an amendment to the Constitution of the United States allowing the line-item veto in appropriation bills. This is the same bill that has been introduced by retired Congressman Chalmers Wylie each session for the past 18 years.

Granting the President of the United States the power of the line-item veto is an excellent first step toward meaningful deficit reduction. Admittedly, it alone will not entirely reduce the deficit of our Government but it will be an invaluable fiscal tool to help reduce wasteful spending.

Forty-three States have successfully granted their Governor the power of the line-item veto as a fiscal tool providing an executive restraint on appropriations. Moreover, eight past President and the current President of the United States all have expressly supported this idea. The American people are asking why we don't have a line-item veto. This measure needs to come to the House floor for consideration.

INTRODUCTION OF WELFARE REFORM LEGISLATION

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

Mr. FRANKS of Connecticut. Mr. Speaker, reforming our welfare system is an important issue confronting our Nation.

It should always be our desire to move people from the welfare rolls to a payroll.

Today we are seeing generation after generation of welfare-dependent families. The vast majority of these families have one common denominator—they are headed by single, never married mothers.

At a Republican welfare reform task force hearing which I chaired, I was appalled to learn that only 22 percent of the never married single mothers have identified the father of their child for paternal support purposes.

Today I am introducing legislation that would encourage States to improve upon this dismal record.

By addressing this key area in need of reform, it would have a significant impact on how young males view their responsibilities as fathers.

HOLD ON TO YOUR ASSETS

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

Mr. ROHRABACHER. Mr. Speaker, we all remember Bill Clinton's campaign promise of a middle-class tax cut, and of raising taxes only on the rich, defined as those making over $200,000. Last night, President Clinton lowered that to $100,000. Seventy percent of his tax increases he says will be paid for by these so-called rich folks. By the way, Mr. Speaker, that $100,000 he is talking about, that is household income, that is two wageearners. Well, my advice is, "Hold on to your assets."

This morning, Mr. Speaker, the President's spokesman told us that those making under $30,000 per year would probably, probably, not have to have their taxes increased, too. Well, holding back the urge to say, "I told you so," let us just remember and be consoled by the fact that last night the President stated that he has worked harder than he has ever worked in his life to find a way to pay for his program without asking for more taxes from the American people. Sure.

Mr. Speaker, one little-remembered campaign promise from candidate Clinton was to hold off on new spending programs before imposing any new taxes on anyone earning under $200,000 per year. I would suggest the President go back again and look at that campaign promise and follow it. Otherwise his credibility will be shot.

BIPARTISAN SUPPORT FOR HEALTH CARE REFORM

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

Mr. STEARNS. Mr. Speaker, President Clinton has stated that any viable economic package would have to include health care reform, and on that I certainly agree with him. In fact, I know all my colleagues on this side do, too. If we look at the health care proposals in the Senate and also in the House, Mr. Speaker, there are four things that stand out, that Members of Congress, the Senate and the House, all agree with, and what are they?

First, allowing self-employed individuals to deduct 100 percent of their premium costs; second, simplifying paperwork; third, a ban on preexisting illness exclusion; and, fourth, job lock security. That is portability, allowing employees to take their health insurance with them when they go from job to job.

Mr. Speaker, these are proposals that Democrats and Republicans agreed on. I urge my colleagues to put aside partisan politics and work together on passing these proposals.

□ 1300

A CALL TO ARMS FOR HIGHER TAXES AND MORE SPENDING

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

Mr. ROTH. Mr. Speaker, the President's speech last night was quite partisan, and we are told the President is going to become more partisan. That is interesting.

The President's speech last night was a call to arms. It is a call for higher taxes and more Government spending. The taxers and the spenders are back in town. Tax, tax, tax; spend, spend, spend; borrow, borrow, borrow—that is their call to arms. There is no gridlocks now, just a bigger and bigger welfare state.

I feel sorry for the American people as they are being bled by the Democrats. But what is to be done? The Democrats control the White House. They control this House; they have controlled it for 38 years. They control the Senate. They can control the entire bureaucracy. They can control all the agencies. In fact, the Democrats control everything in our Government today.

Our American people are going to go through a nightmare in the next 2 years. The only consolation is that the American people on election day, November 7, 1994, are going to deliver a nightmare to the Democrats. When the American people hear the Democrats, especially President Clinton, they feel they have been had. And do you know something? They have been.

A RECIPE FOR ECONOMIC DISASTER

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

Mr. BURTON of Indiana. Mr. Speaker, one of our colleagues earlier today said that President Clinton has a true vision for America. Well, he has a true vision all right. He is looking at everybody's wallets—$275 billion in new taxes.

In 1990 we had the budget summit agreement. It raised taxes $180 billion, and it caused the recession we are in. It

cost us millions of jobs. Now they are going to more than raise that tax increase level by 50 percent; it is not $180 billion but $275 billion.

He promised a middle-income tax cut. No. He promised to cut the deficit in half. No. He promised not to raise taxes on the middle-income people. Yes. He is going to do that.

This is $275 billion. You take that money out of the collective pockets of America, and it is going to cost 750,000 to 1 million jobs. That is not the answer to solving our problems.

He also said that for each dollar in new taxes he was going to cut at least a dollar in spending. We did an analysis. For each dollar in new taxes they are going to raise spending by $3.

Mr. Speaker, this is a recipe for economic disaster for this country. I say, President Clinton, reevaluate what you are doing.

PRESIDENT CLINTON LAUDED FOR ACTING RESPONSIBLY

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

Ms. FURSE. Mr. Speaker, I rise today to say it is time we stopped talking about taxes, stopped talking about investment, and stopped talking about jobs. From 1980 to 1992 the deficit grew from less than $1 trillion to $4 trillion.

It is time, Mr. Speaker, that we need to be responsible to our children because it is our children who are being asked to pay for the profligate spending of the last 12 years. We have neglected our country and our people while we have spent money foolishly.

Mr. Clinton is prepared to act responsibly. He wants us to invest in jobs, in children, and in infrastructure. I compliment him on having come to the American people to tell the truth.

CONTROLLED SPENDING, NOT HIGHER TAXES SEEN AS THE ANSWER TO A RECOVERY

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

Mr. McCOLLUM Mr. Speaker, all of us want to see a balanced budget, and we want to see the deficits reduced. I do not think anybody in this Chamber is not willing to make sacrifice. I do not think any American is not willing to make a sacrifice to that end.

The debate, though, is over whether or not the proposals to do this are the right ones and what is going to work. The responsible way to balance the budget, to control the spending, is to do exactly that—to control spending and to get this economy growing. It is not responsible, in fact, it is irresponsible to raise taxes to do it.

The economists tell us that it is counterproductive. Wall Street today, with the stock market off by about 70 points after listening to President Clinton last night, tells us the same thing.

Raising taxes will cost jobs. We need to control spending, get the economy growing, raise revenues in that way, balance the budget, and do it responsibly, and all of us are willing to pitch in and do that. The problem is that this body has not acted responsibly in that regard over the last few years.

Mr. Speaker, the Democrats control Congress now, and I see no evidence that anybody is willing to reduce Government spending. I hope I am wrong.

IN SUPPORT OF CONGRESSMAN HAROLD FORD OF TENNESSEE

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

Mr. TUCKER. Mr. Speaker, I rise today to address a grave injustice that is occurring even as we speak here on the House floor. A grave injustice to Tennessee's first and only black Congressman has occurred. In the words of USA Today Columnist Dewayne Wickham, "The scales of justice are way out of balance."

Congressman FORD, who is facing retrial on fraud charges in his 6-year-old indictment, is facing judgment by a jury which is not only outside his home and his congressional district, but it consists of 17 whites and only 1 African-American.

This extraordinary situation is based upon the prosecution's argument that because of the Congressman's popularity in his own congressional district, the government cannot get a fair trial.

Mr. Speaker, the prosecution has been given a right which it does not deserve, to remove the trial from the home of the person charged, to a jury not representative of his home.

Mr. Speaker, if this trial, which is based on a jury which is not of his peers, is allowed to occur, I suggest that a dangerous precedent will have been set.

If this precedent stands, what will stop this from happening to other Members of Congress?

The conclusion that jurors cannot be found among the more than 400,000 African-Americans in the Memphis district is an idea that cannot be defended. It is a serious violation of Congressman FORD's constitutional and civil rights.

Mr. Speaker, I ask that this matter be immediately addressed.

SPENDING CUTS, NOT HIGHER TAXES NEEDED FOR THE ECONOMY

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

Mr. CRAPO. Mr. Speaker, I am concerned about the implications that we have about a pending budget proposal that will increase taxes and increase spending. The theory that increasing Federal spending and increasing taxes is what is needed to stimulate our economy and bring us out of the difficulties we face, fails to recognize the lessons of history.

What we need is lower spending and lower taxes. In fact, if the idea is that deficit spending and increased taxes is what will bring us into a hot, strong economy, we should have one of the strongest, hottest economies in the world. Yet we do not, and we see our economy failing. It is failing because raising taxes and increasing spending is not the answer. Cutting spending is the answer.

I would support any meaningful approach to cutting the spending of this Federal Government. We need across-the-board cuts in our programs. We need to focus on specific projects, and if Mr. Clinton will bring forward those specific projects for proposed cuts, I think he will find significant support for it, but let us not repeat the problems that we have had in the past of relying too heavily on a large Federal Government and its spending and its taxing to save our economy.

SPENDING CUTS A LARGE PART OF THE PRESIDENT'S ECONOMIC PROGRAM

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

Mr. PRICE of North Carolina. Mr. Speaker, we have heard a lot this morning about the President's economic package, and I think one thing we can say with certainty is that those who are worried about spending cuts need worry no longer. Spending must indeed be cut, and the President's program is going to cut spending deeply and broadly.

Everything is on the table, and that budget is going to be as austere as any we have seen, and certainly more serious and more honest than any we have seen from the White House in the last 12 years.

The President tomorrow night will lay this package before this body and before the American people. It will be a call to arms to get this economy back in shape, to get spending down, and to restore fairness and economic growth to the American system.

□ 1310

The President's program will ask something of all Americans. The President has made deep cuts himself in the White House staff, in the bureaucracy, and we must make comparable cuts in the legislative branch. Of the taxes that will be raised, over 70 percent are going to come from the wealthiest Americans, those who received a windfall from the Reagan-Bush policies.

The President has warned that this plan could be in jeopardy. The brighter future could be jeopardized by organized interests and by people who are taking partisan potshots and putting narrow interests ahead of the national interest. But it is the broad interests of the American people that must prevail. "I am confident about America," the President said. "We will prevail."

LOOK AT FEDERAL BUREAUCRACY BEFORE IMPOSING FURTHER TAXES

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

Mr. DREIER. Mr. Speaker, it is very frustrating for all of us because it is clear that we want to get this economy moving. My Los Angeles County has a 10.4-percent unemployment rate, we see a $4 trillion national debt, and we all want to turn the corner on that.

But I am very frustrated as I look at the package which is coming forward. Frankly, it is nothing more than the failed policies of the past.

What do we do? Well, we penalize success and we reward failure. That is really what we are saying. We are saying that someone who wants to have a modicum of success, that they really should not consider it unless they want to have their taxes go up even further.

Mr. Speaker, it seems to me that as we look at these challenges that we are going to face in the weeks and months ahead, we need to look at this institution, and we need to look at the entire Federal bureaucracy before we begin making any attempt whatsoever to impose further taxes on working Americans.

GETTING AMERICA BACK ON TRACK

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

Ms. MCKINNEY. Mr. Speaker, I rise this afternoon to support our President Bill Clinton and his efforts to set America back on track. For the last 12 years, we have witnessed a feeding frenzy at the public trough that resulted in a savings and loan scandal, a HUD scandal, U.S. engagement in the international drug trade, and war against Third World people.

The American people voted for change. The Americam people voted for an end to gridlock. The American people voted to end the Republican feeding frenzy that allowed the fat cats to get fatter. Now is the time for all Americans to stand with our President and set our great country back on track. We must not allow fat cats and special interests to impede this historic progress that we are about to inaugurate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The PRESIDENT pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions 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 after debate has concluded on both motions to suspend the rules.

OPPOSING RESUMPTION OF COMMERCIAL WHALING

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 34) calling for a continued U.S. policy of opposition to the resumption of commercial whaling, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations, as amended.

The Clerk read as follows:

H. CON. RES. 34

Whereas there is significant widespread support in the international community for the view that for scientific, ecological, and educational reasons, whales should no longer be hunted for profit;

Whereas there is concern that efforts will be made at the 1993 Annual Meeting of the International Whaling Commission to overturn the Commission's existing moratorium on commercial whaling of large whales;

Whereas there are species of small cetaceans that are currently subject to direct commercial harvest;

Whereas there are unique regions of the world's seas which serve as important feeding grounds for many species of whales, and where the impacts of environmental threats are unknown: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States policy should promote the conservation and protection of whale, dolphin, and porpoise populations;

(2) the United States should remain opposed to any resumption of commercial whaling, and should work toward a moratorium on the direct commercial harvest of dolphins and porpoises;

(3) the United States should work to strengthen the International Whaling Commission by reaffirming its competence to regulate direct commercial harvest of small cetaceans and should encourage the Commission to consider the expertise of its Scientific Committee;

(4) the United States should support the establishment of appropriate international sanctuaries where whaling is prohibited; and

(5) in promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. SAXTON] 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, today I am pleased to bring before you House Concurrent Resolution 34, which expresses congressional opposition to any resumption of commercial whaling. The resolution also urges the establishment of international whale sanctuaries where whaling is prohibited.

In today's world, the concept of killing whales for profit is simply an anachronism. There was a time when our ancestors—including the Yankee whalers from my home State of Massachusetts—hunted whales for their oil and whalebone, but those times are now long gone. The human race has progressed, and we no longer light our lamps with whale oil, nor make combs and other toiletries from whalebone.

Those advances almost came too late for the whales. By the middle of this century, more than 200 years of relentless killing had brought many of the world's whale species literally to the verge of extinction. Fortunately, nations from around the globe recognized the extent of the slaughter and came together in 1946 to sign a landmark conservation treaty: The International Convention for the Regulation of Whaling. The treaty's success in slowing, if not entirely stopping, the slaughter over the past 47 years has been nothing short of remarkable. Although still menaced by marine pollution and global climate changes that threaten to destroy their habitats, the great whales have slowly begun to repopulate the oceans of the world.

During the past few decades, no other group of animals has so captured the hearts of people around the world. In the United States, in Canada, Argentina, and Australia, we no longer kill whales for profit—we now watch whales for profit. In Massachusetts, the whalewatching industry brings over $70 million a year into the State's economy—proof that living whales are a far more valuable marine resource than dead whales could ever be. They are an educational tool and a symbol of the conservation movement, proof positive that humans and wildlife can coexist on this small planet.

Under these circumstances, some of my colleagues may find it surprising that this resolution is necessary. But a few shortsighted nations are now seeking to overturn a 6-year-old global moratorium on commercial hunting of large whales, and a number of nations continue the practice of commercially harvesting dolphins and porpoises. Two of these nations—Japan and Norway—have even hired lobbyists and public relations firms to try to convince the American people that commercial whaling is fine. House Concurrent Res-

olution 34 will make clear to them that the American people have chosen to look forward, not backward, on this issue. I urge my colleagues to support it.

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

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

Mr. Speaker, let me say at the outset that I wish to commend the chairman of the full committee, the gentleman from Massachusetts [Mr. STUDDS], for the very thoughtful statement, as well as to say that I think it is very important to recognize that the chairman has seen to it that this bill reach the floor in a very quick manner.

This is a very important subject, one that is very important to the chairman and to others who care about these types of issues. To have it on the floor as one of our first measures of business in this session I think is quite commendable.

Mr. Speaker, I rise in support of House Concurrent Resolution 34 which expresses the support of Congress for continuing the international moratorium against the commercial harvest of whales and support for international efforts to establish a whale sanctuary.

Although many people may think the practice of commercial harvest for whales is a permanent entry in the history books, they could be very well mistaken. At this year's annual meeting of the International Whaling Commission in May, there will be efforts by some nations to resume commercial whaling once again.

Only half a century ago, many species of whales were pursued to the brink of extinction. At the time, the only thing understood about these creatures were the profits they afforded from commodities—commodities which are now antiquated and no longer valued or necessary in modern societies.

The International Whaling Commission, organized 47 years ago, was a milestone for internationally recognizing the need for conservation and the mutual stewardship which must exist between nations.

Since that time, some whale stocks appear to be rebuilding. Others, however, continue to decline and some species may never recover. More importantly, we remain woefully ignorant about these creatures and how their health and abundance relates to the general health of our ocean environments.

The impacts of marine pollution, habitat destruction and other disturbances in the marine environment that may be harmful to the recovery of these animals are, for the most part, unknown.

As humans, we have an instinctive respect and curiosity for these intelligent creatures whose near extinctions challenge our own intelligence to manage the natural resources and global commons on which we all depend.

The for profit harvesting of whales is an unnecessary and primitive behavior that has no purpose in an increasingly interdependent world.

I urge my colleagues to once again support this resolution and put an end once and for all to commercial whaling today.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume to commend the distinguished gentleman from New Jersey [Mr. SAXTON], the ranking member of the Subcommittee on the Environment and Natural Resources. The gentleman is proof positive that there are still genuine conservatives over there. I really appreciate that.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

□ 1320

Mr. GEJDENSON. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership on this and so many other issues.

Mr. Speaker, as we look at our actions historically on saving the whales, from my State, as from Chairman STUDDS' State, a State with a significant history of whaling, it seems to me that to undo what we have accomplished over the past several years in trying to restore whale populations makes no sense. There is no economic justification, particularly, for the United States, for countries who are apparently interested in resuming the hunt for whales, if we care about the ecosystems on this planet, and the oceans being the most critical one, bringing the whale populations back to where they were 100 or 200 years ago is still an important issue before us, so I believe the action we take today will hopefully send a strong message to those countries around the globe who think that they can resume the hunt and slaughter of these great whales.

Mr. SAXTON. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. RAVENEL], a gentleman who has worked so hard on conservation and environmental matters.

Mr. RAVENEL. Mr. Speaker, I would just like to say a few words about whales. Those Members who have been around a while here in Congress have heard me on the subject before. They have heard me give those nations of the world who have been killing the whales unmitigated Hades about it. They have heard me wind up my little talks with "Shame on you, Japan; shame on you, Japan," and I think that that has had some good.

Americans and environmentalists and people who love nature all over this world, they have a love affair with whales. Consider the blue whale. It grows to over 100 feet in length. Imagine that. It is the largest creature that has ever lived on the face of this Earth, the blue whale. Its heart is the size of a Volkswagen beetle. A man, a grown man, can crawl around in the arteries of the blue whale.

All of us have been to the zoo, and those of us that have been to Africa, we have seen mature elephants. The blue whale is the size of 12 mature bull elephants. Imagine that. Those creatures, those blue whales whose number had gotten down to below 2,000, they are still living on the face of this Earth since the moratorium has been in effect. We understand now, and we hope that the figures are correct, that the numbers of blue whales now exceed 10,000.

The great whales over on the west coast have been a great success story. They used to go down to the lagoons there in Mexico, and they were just slaughtered almost to extinction. Because of the moratoriums, now their numbers are approaching 20,000. The humpbacked whales, both on the east coast and on the west coast in the north Pacific, they sing, and the Members probably have heard whale songs on radio or on television. They have seen the television shots of the whales. However, the right whale, which is up and down the east coast, has not recovered. Their numbers number around 375 to 400, and we have been able to track them. There are so few that we know exactly what individuals exist. They only have a natural increase of about a dozen a year in a good year. They swim up and down the coast in the shipping channels and a lot of them get hit by ship propellers, and pollution is also affecting their reproductive rate.

That particular species of whale, known as the right whale because it was the right whale to kill, when they killed that whale, for some reason, it floated and they never lost any. They were able to bring them in and cut them up for their oil.

The moratorium has been good for the whales of the world. The moratorium is supported generally by the people that inhabit this planet. Whales are just out there in family groups. They don't do anybody any harm. They just swim, tend to their own business. As the chairman has said, they provide great recreational opportunities for people who just like to go and see them.

I have never seen a whale. Maybe I will never see one, but just the knowledge that they are out there still alive, the greatest creatures that ever inhabited the face of this Earth, just gives me a good feeling. I am just so delighted here today that this House is going to pass, I know by an overwhelming margin, this resolution.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, while I rise in support of the motion to suspend the rules and pass House Concurrent Resolution 34 opposing any resumption of commercial whaling, I would, however, like to voice my concerns that the administration failed to provide our Committee on Foreign Affairs with a spokesman in our consideration of this measure earlier today to discuss the administration's position on this measure.

Since the government of Norway has informed us that there are ongoing negotiations between Norway and the United States with regard to this issue, and since there is some conflicting scientific data with regard to the necessity of protecting the minky whale, in my view, we should hold hearings on this vital subject allowing our committee to more closely examine its international implications. Furthermore, it is my understanding that there are now ongoing international discussions among several IWC Commissioners on this issue. We should not unduly prejudice these discussions by precipitous action on our part.

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

Mr. Speaker, I would like to conclude by saying that I do not believe there is any opposition to this measure in the House, at least none that is discernible that I can detect.

Mr. Speaker, I would just like to say that the chairman and other members of the Committee on Merchant Marine and Fisheries, the gentleman from South Carolina [Mr. RAVENEL] and others who are members of this committee, because we care so very deeply about the health and welfare of the ocean environment, I think this serves as a very good example of the types of things that are of special nature that the Committee on Merchant Marine and Fisheries is and will be dealing with under the leadership of our chairman, the gentleman from Massachusetts [Mr. STUDDS].

Inasmuch as this is a noncontroversial issue, it does serve as an example of the kind of work that the Committee on Merchant Marine and Fisheries does and I hope will productively continue to do in the future. I am sure it will.

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

Mr. Speaker, let me just take a moment to acknowledge and thank the gentleman from New Jersey [Mr. SAXTON] for his kind remarks, and to observe in response to the remarks of the gentleman from New York [Mr. GILMAN], while I have not spoken directly with people in the administration, the new administration, on this question, I think in large measure because they do not have their telephones connected yet, I can assure the gentleman that there will be at least as intense a degree of love for the critters we are discussing as there was in the preceding administration. The gentleman need not worry about being overly bold in expressing the sense of Congress that we ought not be killing them.

If the gentleman has any doubts about that, I would refer him to his colleague, the gentleman from South Carolina.

I just want to say, Mr. Speaker, that I cannot believe, after the impassioned defense of these marine mammals offered by the gentleman from South Carolina [Mr. RAVENEL], that he concluded his remarks by saying that he had never met one. I am sorry he is not here, because he now is in possession of several invitations to meet and commune and converse with them, and I can assure him that they will agree with every word that he said.

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

Mr. STUDDS. I yield to the gentleman from New York.

Mr. GILMAN. Ray Androtto of the Oceans and Environmental and Scientific Affairs Bureau of the State Department stated today that there are not currently any formal negotiations with the Norwegians on the issue of whale harvesting; however, the United States IWC Commissioner and the Norwegian IWC Commissioner have met several times to discuss this issue informally. The International Whale Commission has its formal meeting during the last week of April and first week of May and this issue will be discussed. The United States Whaling Commissioner plans to go to an informal meeting of IWC Commissioners this week to discuss this and other issues.

□ 1330

All I am urging is why not give the Commission the opportunity to make its report to the Congress before we act precipitously.

Mr. STUDDS. Let me say to the gentleman that I think he is going to have to live with the distinct possibility that the Norwegians are just plain wrong, and the people of the United States, in this country, and the peoples of most of the rest of the world are right in their impassioned insistence that we not resume commercial harvest of whales period. I realize that that may lead to difficult negotiations with Norway and possibly with Japan, but I do not think we should for 1 minute hesitate to reaffirm what has been the Commission's position and the position of this country for as long as I can remember, and hopefully, and I am confident will remain its position with the new administration. We do not have an Assistant Secretary, as the gentleman well knows, and I do not know from what sub-Cabinet level or sub-agency or department level the gentleman gets his information, but as soon as they have a boss, I am sure that those concerns will be straightened right out, very promptly.

I had hoped that this would not be a matter of any controversy at all, and I suspect that the gentleman may hear from some of his own constituents who share the passion of the gentleman from South Carolina.

In any event, I would urge Members to reaffirm in the clearest and the strongest possible terms the objection of this Congress and of this country to the resumption under any circumstances of the commercial harvest of whales.

Mr. YOUNG of Alaska. Mr. Speaker, I normally do not agree with the sort of rapid action that is occurring today in regard to this resolution. I would much prefer that matters follow the normal process of going through hearings and committee markup. However, knowing of the strong interest that the authors of this resolution have in the subject, I have decided not to object.

Nevertheless, I want to take a few moments to caution my colleagues on the issue before us today. Americans have, for the most part, become convinced that harvesting whales is bad. They think whales are endangered and they have moral objections to killing whales. Unfortunately, we have tended to let our emotions interfere with the truth.

Are whales endangered? Some are; many are not. In fact, the California gray whale was recently removed from the endangered species list. If science, rather than emotions, were considered, many other species should be removed as well.

Is killing whales wrong? It is if you are an urban resident who doesn't depend on whale meat. It is not if you are an Alaska Native who relies on harvesting bowhead whales for subsistence. It is also not wrong if a carefully controlled harvest for genuine food, cultural, and religious purposes is allowed.

Too often, we in this country extend our morals to other people without thought to what we are doing. Whaling is a good example. I think it is time that we reconsider our actions at the International Whaling Commission. We don't need factory fleets hunting down the last of an endangered species. However, we should give every consideration to the morals and traditions of other nations, just as we ask them to consider our own.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 34. This resolution calls for a U.S. policy that would maintain the current International Whaling Commission [IWC] moratorium on commercial whaling. This moratorium, which has been in effect since 1986, prevents the depletion of these marine mammals as a result of direct commercial harvest. It is my hope that the IWC, using the best scientific information available, will continue to work with all nations to manage and conserve whales. Likewise, countries like Japan should not proceed with the taking of whales for their own use unless sanctioned by the IWC.

Mr. Speaker, I support adoption of this resolution for it will assist the United States in its negotiations with other countries in preparation for the upcoming IWC meetings.

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. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 34, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPORT ADMINISTRATION ACT EXTENSION

Mr. GEJDENSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 750) to extend the Export Administration Act of 1979 and to authorize appropriations under that act for fiscal years 1993 and 1994.

The Clerk read as follows:

H.R. 750

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 18 of the Export Administration Act of 1979 (50 U.S.C. App. 2417) is amended by striking subsection (b) and inserting the following:

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $42,813,000 for the fiscal year 1993;

"(2) such sums as may be necessary for the fiscal year 1994; and

"(3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscriminatory costs.".

SEC. 2. EXTENSION OF THE ACT.

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "September 30, 1990" and inserting "June 30, 1994".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. ROTH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

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

Mr. Speaker, all we do here today is to guarantee that the failure to pass an export administration act does not allow important controls by the United States to lapse, particularly in the area of high-technology items going to terrorist countries, issues like the antiboycott legislation.

As the result of a veto of an earlier version of this bill, the Commerce Department now feels itself vulnerable to legal action that would undercut their authority to control items that are of a significant nature in their technological capability to add to other countries' nuclear, chemical, or biological capabilities. These are items that we want to control, we want to make sure that the Commerce Department has the legal authority to control.

The act expired in 1990. Since that time we have been operating under emergency authority. But people within the Commerce Department feel that that power is subject to legal challenges. So what we are doing here today is simply doing an extension of the legislation until we can have a more comprehensive review that we would work out with the administration.

H.R. 750 is a simple extension of the Export Administration Act. It is cosponsored by the distinguished ranking member of the subcommittee, Mr. ROTH, and myself.

The bill will extend the Export Administration Act until June 30, 1994. This temporary extension does not change any of the provisions of the EAA.

The bill also authorizes the existing appropriation of $42.8 million for fiscal year 1993 and such sums as may be necessary to carry out the export licensing and enforcement activities for fiscal year 1994.

This temporary extension is essential because:

The EAA expired on September 30, 1990; since that time we have been operating under emergency residual authority which does not provide the same ability to enforce our export control laws; in order to ensure proper enforcement of these laws, we need to pass EAA;

The use of residual authority is coming under increasing legal question, raising the risk that a violation of the act could avoid penalty; this could jeopardize export controls and our national security;

The temporary extension should preclude legal problems while the Congress rewrites the act;

This bill will give us until June 30, 1994, to totally rewrite EAA; the EAA is a relic of the cold war and needs to be rewritten to reflect the new security risks facing the United States, especially those posed by the proliferation of nonconventional weapons.

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

Mr. GEJDENSON. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I just had one brief question. The authorization level I believe is higher than last year. Can the gentleman tell me how much higher it is?

Mr. GEJDENSON. The level in the bill only reflects the appropriations level that already passed the House and the Senate and has been signed into law.

Mr. BURTON of Indiana. It is higher than it was last year, is it not?

Mr. GEJDENSON. I think it is slightly higher. If the gentleman will give me as second, I will get that number for him.

Mr. BURTON of Indiana. I thank the gentleman.

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

The answer to the last question is that it is actually somewhat lower than it was 2 years ago, according to the graph we have, and I am happy to share that with the gentleman from Indiana.

Mr. Speaker, the bill, H.R. 750, is a temporary reauthorization of the Export Administration Act.

Enactment of this bill is essential, as the chairman of the subcommittee pointed out, because legal challenges are mounting to our export control system.

In September 1990, the Export Administration Act lapsed, and for 3 years Congress has not completed action on a new authorization. During this period our export control system has been operated under Executive order, and the President has used emergency authority to keep the system going.

But there are several legal challenges to the use of this emergency authority to enforce export controls. This is significant because several of these challenges have been made by the Commerce Department's own administrative law judges, the very officials who must adjudicate export control cases. And while none of these challenges has been fully litigated, we may well lose one of these cases.

If that happens, the Federal Government would not be able to enforce our export control laws, and a violator might get away without a penalty. And more important, sensitive technology might make its way to dangerous countries like Iraq, or Libya, or North Korea.

Aside from the legal challenges, the current emergency authority provides only limited law enforcement authority, for example, for search warrants and arrest powers, and the confidentiality of proprietary business information. All are now subject to legal questions. Enactment of our bill will put the export controls back on a sound statutory basis and put an end to these legal challenges.

In this House there are a number of Members with a wide range of views on what should happen to export controls. But I trust that no Member wants a violator of the law to slip through a loophole, and no Member wants sensitive technology to get into the wrong hands because of a legal technicality. Therefore, all Members should support this bill today. It does not prejudice their

position on the larger question of revising the Export Administration Act.

Indeed, our committee will use this period to completely rewrite the Export Administration Act. My understanding is that the other body is also committed to a complete rewrite, and the timeframe in our bill today is the period required to complete this rewrite. I would have preferred a shorter extension, but the other body has advised us that they need this time because of a change in chairmanships.

A complete revision of the export controls is now long past due. American high technology in machine tools, computers, aerospace, and electronics all depend on exports to survive.

The current export control system is an outmoded artifact of the cold war. Export controls deny American exporters the right to compete with companies in other countries. This is something that we must be very much concerned about.

Export controls prevent exports to countries that are now our strategic allies, countries which are now joining NATO, countries with which we share intelligence, and countries which are crucial to controlling weapons of mass destruction.

U.S. export controls deny American companies the ability to export, when our closest allies often permit such exports.

In short, this situation makes no sense. In the post-cold-war era, we have to start from scratch and devise an export control policy that reflects our economic security, a policy that controls only what has to be controlled and what we can control, and a policy that allows American high-technology industries to compete in the world markets.

□ 1340

All of that work is ahead of us, and we are going to complete that work. But today we are dealing with an immediate problem.

I urge my colleagues to vote with our committee and with our chairman for H.R. 750, and to work with our subcommittee in the coming months to bring an export control system that can truly make us competitive and keep us competitive in not only the 1990's but as we move into the 21st century.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], who does a great deal of work on this issue, and we are proud of his contribution.

Mr. BEREUTER. Mr. Speaker, I thank the ranking member for his kind words. I join him and the chairman of the subcommittee in urging support of this legislation.

Because we have failed to reauthorize the Export Administration Act, we have had to rely primarily on the International Emergency Economic Powers Act, or IEEPA. The distinguished gentleman from Wisconsin has already mentioned some of the problems of having to rely on IEEPA. In the absence of the Export Administration Act, in authority to the Commerce Department, he mentioned, for example, that they do not have the ability to seek search warrants under IEEPA as they do under the EAA.

Mr. Speaker, problems created by the lapse of the authorizative legislation for the regulation of exports, the Export Administration Act include the following points.

Under International Emergency Economic Powers Act [IEEPA] the U.S. Government cannot impose penalties as severe as those available under the Effort Administrative Act [EAA]. For example, under IEEPA, civil penalties are limited to $10,000, whereas under the EAA the maximum civil penalty for violation of national security controls is $100,000.

IEEPA criminal penalties are capped at $50,000, while EAA criminal penalties go up to the greater of $1 million or five times the export value. In addition, IEEPA lacks express provision for denying the export privileges, a key sanction and diversion prevention measure.

The EAA gives Commerce's special agents some vital investigative powers—for example, the ability to execute search warrants and to arrest suspected export control law violators. The IEEPA has no similar provision, so Commerce agents have had to undergo a series of limited term deputizations by the U.S. marshals in order to carry out these functions.

There have been many challenges to Commerce's export control authority under IEEPA. Commerce has sought to defend the legality of its actions, but a number of issues are in litigation or are otherwise in limbo.

Continuously answering these challenges to Commerce's authority diverts scarce financial, technical, and legal resources from the real job at hand—administering an export control program that carefully balances U.S. economic concerns with our national security concerns.

For example, Commerce is being sued for its attempts to protect the confidentiality of information received from business in connection with export license applications while IEEPA has been in effect. Section 12(c) of the EAA would provide strong protection from forced public disclosure of such information under Freedom of Information Act [FOIA] actions, while providing for congressional access to the data.

The confidential treatment of business-related information is one of the basic assurances that Commerce uses to ensure that U.S. exporters provide complete and accurate information on export license applications. It is fundamental to Commerce's ability to effectively implement its export control system.

A successful challenge to 12(c) procedures under IEEPA: could lead to public disclosure of competitively significant information; expose firms to public pressure, even though they were engaged in legitimate export trade consistent with published U.S. policies; would discourage exporters from providing the complete information that Commerce needs to make informed export licensing decisions; and could cause U.S. firms to forego legitimate export opportunities rather than risk having proprietary information disclosed.

The IEEPA does not address the prevention of cooperation by U.S. persons with the Arab boycott of Israel, a matter very important to this administration, that is well covered by the EAA. Government assertions that IEEPA is broad enough to support antiboycott regulations have been questioned. No court has yet ruled on this issue.

The EAA provides for an administrative law judge [ALJ]. An ALJ raised many questions related to the EAA's lapse, including the basis for an ALJ to handle administrative enforcement proceedings and the authority of the Under Secretary for Export Administration, whose position is also provided for under the EAA.

Rulings by the Under Secretary for Export Administration have rejected such ALJ positions on enforcement authority, but these rules remain subject to court review.

Mr. Speaker, for these and other reasons I urge my colleagues to support the passage of this resolution.

Mr. ROTH. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Foreign Affairs, who has helped us and has been a great mentor for us in this area, and we appreciate his help.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words.

Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 750, a bill to extend the Export Administration Act of 1979 through June 1994 and I commend the gentleman from Connecticut [Mr. GEJDENSON], the distinguished chairman of the Trades and Environment Subcommittee and the gentleman from Wisconsin [Mr. ROTH], the subcommittee's ranking member. This morning, House Foreign Affairs Committee considered this legislation and sent it before the House without change.

This act expired in September of 1990. In the interim, the previous administration has invoked the authority of the International Emergency Economic Powers Act as the underlying authority to continue our export control system.

This stop-gap expedient was required in light of the unsuccessful efforts during the last Congress to enact a more comprehensive EAA bill, marked by controversy over our nuclear export control policy and the role of the Defense Department in the licensing process.

I am pleased that our colleague, Mr. GEJDENSON, the chairman of the Trade and Environment Subcommittee, and the sponsor of this legislation, has finally agreed to what Republicans have been urging Democrats to do for the last 2 years—a simple reauthorization of EAA, and an end to the legislative gridlock on this important measure.

Its enactment today is essential. It will put to rest any confusion about the legal basis of our export control system and will send a clear message that Congress intends to play a key role in this critical area of our national security and foreign policy.

Its approval today is, of course, only the beginning of the process of overhauling this system so that it can meet the challenges of the post-cold-war period.

Today, let us pass this interim measure that not only strengthens the ability of the Department of Commerce to enforce our national security and foreign policy controls, but also ensures compliance with the antiboycott regulations essential in our efforts to counter the Arab embargo of Israel.

The Secretary of Commerce, Mr. Ronald Brown, with regard to this legislation, has urged, in a letter dated February 12, 1993:

* * * A short-term extension of the EAA would provide an opportunity for the administration and the Congress to collaborate in a major refashioning of this statute—one that will not only reflect regulated improvements already adopted by the Department of Commerce, but also reflect the enormous changes in world conditions that have occurred since the act expired.

Accordingly, Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

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

Mr. Speaker, I would just like to thank the gentleman from Wisconsin [Mr. ROTH], the gentleman from Nebraska [Mr. BEREUTER], in particular, for the help they have always provided us in the subcommittee, the gentleman from New York [Mr. GILMAN], and others who have worked with us on these kinds of issues, and particularly point out the great work done by Ed Rice on the minority side and John Scheibel on the majority side on this issue.

This is a working team. We have worked together for a number of years, and we really appreciate their contribution and the working relationship we have developed.

It is critical that we develop an export policy that allows us to trade with friendly democratic nations, to make sure that American industry and workers are not disadvantaged when we try to sell products overseas when there is no national security risk. We also need to make sure that when there is a danger of diversion of these kinds of technologies that would aid the nuclear or chemical or biological capabilities of terrorist countries that we have the toughest possible controls, and that those controls be multilateral as often as possible.

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

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

Mr. Speaker, I just want to take a couple of seconds, because I cannot let the chairman get by with giving out all of the accolades to the committee staff. I need to have them working for me, too. There is no more knowledgeable committee staff than John Scheibel. He has always been a real pleasure to work with.

Mr. Speaker, I want to say that Ed Rice's Republican credentials are now in question.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 750, which would extend the Export Administration Action of 1979 until June 30, 1994.

No one is particularly pleased with this legislation. I wish we were able to bring a bill to the House floor that would totally rewrite the Export Administration Act. We need a new export control system that recognizes new threats to our national security while freeing up American business to compete in newly open markets in the former East bloc.

Mr. Speaker, I am inserting the remarks of Arthur Charles of Sundstrand Corp., who is extremely interested in a new Export Administration Act that will simplify the incredible bureaucratic quagmire of dual-use technology licensing.

Mr. Speaker, every day we delay, we lose potential customers to our competitors overseas. I stand ready to work with my colleagues on the Foreign Affairs Committee to redraft the Export Administration Act.

But we need this short-term legislation now to make sure that any potential violators of our export control laws do not get off scot-free because of a legal technicality. We can't have someone sell sensitive technology to Iran or Syria and then have a judge throw out the case because there is no export control system in force.

No one, least of all me, is particularly thrilled about this legislation. But it is a basic first step toward putting together a new export control system in place to catch potential violators. I urge my colleagues to support H.R. 750.

IMPEDIMENTS OF EFFECTIVE APPLICATION OF "DUAL USE" TECHNOLOGY

THE STATUTES AND REGULATIONS

Currently the U.S. has two separate major export control statutes:

Export Administration Act (EAA).

Export Administration Regulations (EAR).

Covers items that are inherently commercial in nature (Articles and Technical Data for civilian use).

Administered by the Department of Commerce.

Arms Export Control Act (AECA).

International Traffic in Arms Regulations (ITAR).

Covers inherently Military Items (Defense Articles and Defense Services).

Administered by the Department of State.

It must be noted that virtually all exports from the U.S. are controlled by these two statutes.

POLICY OBJECTIVES

In the past the distinction in purpose between these two statutes seemed reasonably clear. The charter of the AECA has been to restrict the dissemination of weapons to our potential enemies and to discourage arms races and possible resulting conflicts. The policy of the EAA was to restrict exports which would make a significant contribution to the military of any country which would be detrimental to the National Security.

Emerging technologies, the changing world political climate, and new defense initiatives have caused the State and Defense Departments to reassess their control over dual use items. Recent dual use decisions issued by the State Department certainly cloud which statute and agency has control of an item or technology.

DUAL USE

Dual Use Items are those which can be used for both military and civilian purposes, and fall under the control of the EAR.

Items cannot be included on both the Export Control list and the United States Munition List.

Therefore a determination of Commodity Jurisdiction between Commerce and State must be made to understand the authority under which an article may be exported.

Both Departments have procedures to give the Exporter guidance.

Commerce Department: Commodity Classification EAR 779.(e)(1).

State Department: Commodity Jurisdiction ITAR 120.5.

These two procedures are similar in many respects, but the State procedure has one important element that Commerce does not.

ITAR definitely informs the exporter whether the EAR or ITAR controls the export of an item. This is because under ITAR 120.5, State is required to obtain the views of Commerce and DoD before issuing a C.J. By contrast, Commerce is not required to obtain State's and DoD's views before issuing a commodity classification. Therefore State becomes the determines Agency in deciding what items are Dual Use.

POLICY

The criteria stated in 120.3 of the ITAR sets out the policy of what items should be on the U.S. Munitions List.

"Designations of Defense Articles, and Defense Services are based primarily on whether an article or service is determined to be inherently military in character, and whether it has a predominantly military application is also taken into account. The fact that an article or service may be used for military and civilian purposes does not in and of

itself determine whether it is subject to the export controls of this sub chapter."

But.

Section 3.(2)(A) of the EAA states that it is the policy of the U.S. to restrict the export of goods and technology which would make a "significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States." Section 5 of the EAA, which contains statutes related to national security controls, implements the policy of Section 3.(2)(A).

Although guidance is available to the exporter, the Acts themselves certainly do not provide clear guidlines as to which commodities are controlled under which Act.

This results in frequent Commodity Jurisdiction disputes between the Departments of Commerce and State, which causes the Department of Commerce to delegate decisions on Commodity Jurisdiction to the Department of State who has the principal role in effecting Commodity Jurisdictions under the AECA. In addition, the State Department will solicit the opinion of the Department of Defense (the keeper of the Munition List) and to our knowledge State has always ruled in accordance with the DoD recommendation. This results in an extremely conservative approach and favors placing perceived sensitive or controversial items on the Munitions List.

With this in mind, the impediments become the current issues of the day as well as processes which have been painfully lacking in the system for years.

IMPEDIMENTS OF DUAL USE

Less emphasis is being placed on East/West controls and the focus is more on North/South controls.

Enhanced Proliferation Control Initiative [EPCI] and the Missile Technology Control Regime [MTCR].

More and more military equipment being based on commercial products and technology causing State and DoD to argue that an increasing array of Dual Use items must be controlled under the AECA.

Disregard of the general policy set forth in the ITAR to determine what items belong on the Munitions List.

Use of ITAR to control foreign policy.

The government has no clear internal decision making process for making commodity jurisdiction rulings.

Inconsistent application of the process.

Lack of an inter-agency dispute resolution mechanism.

Foreign availability is very seldom considered in the decision making process.

Foreign competitors can often sell more freely in the global market place.

In practical terms, there are policy and bureaucratic problems. Disputes can and do arise among agencies as to the controlling authority of an item and industry and our foreign customers are caught in the middle.

EXAMPLES

A classic example of this bureaucracy was introduced by AIA in a testimony provided to various House Subcommittees.

"A company which manufactures fasteners, basically nuts and bolts, under license from a European firm, and also produced in Germany, France, and Japan. These fasteners are used in automobiles, railroads, and bridges, as well as to fasten aircraft skin to frames, and had for years been exported under a G–Dest license. Last year, during a routine inspection, Customs detained a shipment (worth $150,000) destined for the United Kingdom. Customs determines that the fasteners would be used in work related to fighter aircraft and asked State whether a munitions license was required. State responded that since the end-user was military, State had proper jurisdiction. Customs was instructed to seize the shipment. The exporter was then subject to a fine and notified that the item could only be exported as a Munitions List Item.

The company appealed to Commerce for a commodity classification, stating that while the fasteners met military specs, they were not designed for the military, had numerous civilian applications and were readily available worldwide. Commerce agreed. What followed was a lengthy and costly appeal through the highest levels of both agencies before State agreed that the shipment could be properly exported under a G–Dest license.

Sundstrand is no stranger to this process. Sundstrand was recently told that on a commercial product that Sundstrand has sold for 40 plus years that by drilling an additional hole in the mounting flange, changing the location of a sight glass, or reconfiguring a housing in order to fit a military application, the item was now modified for military use and considered to be on the U.S. Munitions List.

Another example of this attitude is reflected in the treatment of a device we make to measure the inclination of the drill hole of an oil well. Because this particular device utilized the technology embodied in accelerometers, which are used in aircraft and missile guidance systems, the Department of State, and Defense determined that this down hole device could be modified to be used in aircraft and missile guidance systems; therefore, belonged on the Munitions List. This determination was made even though the device was specifically designed for commercial application and the sensing and scale factors were completely different from those used in guidance systems. This device does not navigate, it only measures the inclination of a hole and also utilizes the casing as an electrical ground, rendering it virtually impossible to be used in an airborne system. Despite all of these conditions, the State Department has maintained the export control of this item.

SOLUTIONS

Commerce Departments definition of dual use must govern State Department jurisdiction decisions.

Better definition of what constitutes a Dual Use Item based on the function of an item. The State Department believes this will be accomplished in the new proposed ITAR and EAA, but in reality will most likely add more confusion to the process. It appears a new ITAR will not be reality until after first of the year and with Congress failing to pass the EAA it may be another three years before we see an approved act if a new administration is elected.

Foreign availability of commercial products should be considered in all cases.

Stop the use of ITAR as a mechanism to enforce foreign policy.

SUMMARY

This is not a perceived problem, but is real in that it affects the ability of a U.S. company to compete on an equal basis overseas with a foreign company that is not subject to these cumbersome rules. The last example cited clearly illustrates one of the many problems we face when an item is subject to ITAR. That is, there are no permissive reexport rules and therefore any foreign customer still would require the approval of U.S. Department of State to move the device from country to country, even to send the device back to the U.S. for repair.

Why should a foreign company buy a U.S. product subject to this hassle factor when the same product is available from a foreign supplier without strings attached.

We must continue to press the Government Agencies involved to further define and streamline this process in order to provide U.S. industry a level playing field when competing with U.S. commercial (dual use) products in a global market place, while still recognizing and protecting significant national security interests.

In these times of diminishing U.S. industrial base, dwindling foreign market shares and gross U.S. imbalance of payment problems, it is contrary to the best interests of the U.S. to continue to impose their burdensome regulations on sales of commercial U.S. products abroad. If this trend is not turned around we will surely be looked upon as unreliable suppliers and ultimately lose not only our competitive edge but our marketplace to foreign competitors.

Industry, DoD, State Department and Commerce Department must all work more closely together to establish clearer guidelines for the export license process, speeding up the process, the defining Dual Use technology/products. Otherwise, we may have won the Cold War but we can lose the Economic War globally.

Mr. HAMILTON. Mr. Speaker, I rise in support of H.R. 750.

This bill is a simple piece of legislation. It authorizes the Export Administration Act [EAA] through June 30, 1994, and authorizes funding to carry out the act for fiscal year 1993 and fiscal year 1994.

The statutory authority of the Export Administration Act expired on September 31, 1990.

The act's authorities have been extended since then through executive order under the authority of the International Emergency Economic Powers Act [IEEPA].

In 1990, the Foreign Affairs Committee reported legislation, H.R. 4653, that would have reauthorized and revised the Export Administration Act, but the conference report on that bill was pocket vetoed.

The committee moved H.R. 3489, an updated version of that bill, in 1992, but the conference report for that bill died in the rush of business at the end of the 102d Congress.

The committee is not seeking to revive H.R. 3489 because the core of that bill was drafted 4 years ago and has been overtaken by world events and by administrative action.

Furthermore, there is a growing consensus that we need a comprehensive rethinking and rewriting of U.S. export control authorities—a review not just of national security export control authorities, but also of the various export control proliferation regimes.

The committee is moving this extension of the Export Administration Act because questions have been raised concerning the validity of extending all provisions of the EAA through IEEPA. This extension will also give the Congress and the executive branch 16 months to review and rewrite the Export Administration Act.

I look forward to working on this complex, but important, legislation with President Clinton, with the chairman of the Subcommittee on Economic Policy, Trade, and Environment, Mr. GEJDENSON, and with our ranking members, Mr. GILMAN and Mr. ROTH.

I urge members to support H.R. 750.

Mr. KYL. Mr. Speaker, I rise today to commend the Foreign Affairs Committee for proceeding with a straight reauthorization of the Export Administration Act [EAA] without any further changes to the authority and role of the Department of Defense as proposed in previous years.

As a member of the House Armed Services Committee, I have been concerned that certain legislative proposals to reform the EAA would result in further diminution of the all-important national security perspective in the process of reviewing export licenses for sensitive dual-use technologies.

Given the dramatic examples of military goods improperly being exported to Iraq and the continuing changes in the global security environment, it is essential that we retain a strong and vigilant export control process to guard against the proliferation of sensitive dual-use and military technologies. Within the Government, the department most qualified to provide this perspective is the Department of Defense.

Mr. Speaker, of course we all want to support and promote the export of appropriate American products, but it is my hope that by proceeding with a straight reauthorization, the Congress and the administration can use the time afforded to arrive at a more effective export control policy properly balancing national security and the needs of business. A policy that is better attuned to the real and emerging threat of proliferation and the unique challenges it poses for our military forces.

Many of my colleagues on the House Armed Services Committee share this concern. We intend to continue pushing for a strong policy to keep sensitive military technologies out of the hands of future Saddam Husseins.

I look forward to working with my colleagues on the Foreign Affairs Committee toward this goal and with the new Secretary of Defense, Les Aspin, who has established the proliferation issue as one of his highest priority challenges.

□ 1350

Mr. ROTH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and pass the bill, H.R. 750.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 750, the bill just considered.

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

There was no objection.

The SPEAKER pro tempore. Debate has concluded on both motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today in the order in which the motions were entertained.

Votes will be taken in the following order: House Concurrent Resolution 34, by the yeas and nays; H.R. 750, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series. There will be a 5-minute vote on the second bill.

OPPOSING RESUMPTION OF COMMERCIAL WHALING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 34, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 34, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 48, as follows:

[Roll No. 30]

YEAS—382

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—48

Bacchus (FL)	Flake	Reed
Barton	Ford (MI)	Ridge
Bentley	Gallegly	Rogers
Brewster	Gekas	Schaefer
Brown (FL)	Gibbons	Shaw
Chapman	Hefner	Shepherd
Clyburn	Henry	Skelton
Condit	Jacobs	Smith (OR)
Coppersmith	Kingston	Swett
Costello	Lewis (CA)	Talent
Dellums	Lewis (FL)	Torricelli
Dixon	Lloyd	Tucker
Doolittle	Manton	Walsh
Dornan	McCloskey	Washington
Engel	McDade	Whitten
English (OK)	Parker	Wilson

□ 1413

Mr. HOKE and Mr. MOAKLEY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COPPERSMITH. Mr. Speaker, I was unavoidably detained during rollcall vote No. 30.

Had I been present on the House floor during this vote, I would have voted "yea" on rollcall vote 30 calling for a continued U.S. policy of opposition to the resumption of commercial whaling.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which the vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPORT ADMINISTRATION ACT EXTENSION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 750.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut [Mr. GEJDENSON] that the House suspend the rules and pass the bill, H.R. 750, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 330, nays 54, not voting 46, as follows:

[Roll No. 31]

YEAS—330

Abercrombie	Andrews (ME)	Andrews (TX)
Ackerman	Andrews (NJ)	Applegate
Bachus (AL)	Goodlatte	Meyers
Baesler	Goodling	Mfume
Baker (LA)	Gordon	Michel
Ballenger	Goss	Miller (CA)
Barcia	Grandy	Mineta
Barrett (NE)	Green	Minge
Barrett (WI)	Greenwood	Mink
Bateman	Gunderson	Moakley
Beilenson	Gutierrez	Molinari
Bereuter	Hall (OH)	Mollohan
Berman	Hall (TX)	Montgomery
Bevill	Hamburg	Moran
Bilbray	Hamilton	Morella
Bilirakis	Hansen	Murphy
Bishop	Harman	Murtha
Blackwell	Hastert	Myers
Bliley	Hastings	Nadler
Boehlert	Hayes	Natcher
Bonilla	Herger	Neal (MA)
Bonior	Hilliard	Neal (NC)
Borski	Hinchey	Oberstar
Boucher	Hoagland	Obey
Brooks	Hobson	Olver
Browder	Hochbrueckner	Ortiz
Brown (CA)	Hoekstra	Orton
Brown (OH)	Hoke	Owens
Bryant	Holden	Oxley
Bunning	Horn	Pallone
Buyer	Houghton	Pastor
Byrne	Hoyer	Paxon
Calvert	Huffington	Payne (NJ)
Camp	Hughes	Payne (VA)
Cantwell	Hutto	Pelosi
Cardin	Hyde	Penny
Carr	Inhofe	Peterson (FL)
Castle	Inslee	Peterson (MN)
Clay	Istook	Petri
Clayton	Jacobs	Pickett
Clement	Jefferson	Pickle
Clinger	Johnson (CT)	Pomeroy
Coleman	Johnson (GA)	Porter
Collins (GA)	Johnson (SD)	Poshard
Collins (IL)	Johnson, E.B.	Price (NC)
Collins (MI)	Johnston	Pryce (OH)
Combest	Kanjorski	Quillen
Conyers	Kaptur	Quinn
Cooper	Kennedy	Rahall
Coppersmith	Kennelly	Ramstad
Cox	Kildee	Rangel
Coyne	Kim	Ravenel
Cramer	Kleczka	Regula
Cunningham	Klein	Reynolds
Danner	Klink	Richardson
Darden	Kolbe	Roberts
de la Garza	Kopetski	Roemer
Deal	Kreidler	Ros-Lehtinen
DeFazio	Kyl	Rose
DeLauro	LaFalce	Rostenkowski
Derrick	Lambert	Roth
Deutsch	Lancaster	Roukema
Diaz-Balart	Lantos	Rowland
Dickey	LaRocco	Roybal-Allard
Dicks	Laughlin	Rush
Dingell	Lazio	Sabo
Dooley	Leach	Sanders
Durbin	Lehman	Sangmeister
Edwards (CA)	Levin	Santorum
Edwards (TX)	Levy	Sarpalius
Emerson	Lewis (GA)	Sawyer
English (AZ)	Lightfoot	Saxton
Eshoo	Lipinski	Schenk
Evans	Long	Schiff
Everett	Lowey	Schroeder
Fawell	Machtley	Schumer
Fazio	Maloney	Scott
Fields (LA)	Mann	Serrano
Filner	Manzullo	Sharp
Fingerhut	Margolies-Mezvinsky	Shays
Fish		Sisisky
Foglietta	Markey	Skaggs
Ford (TN)	Martinez	Skeen
Fowler	Matsui	Slattery
Frank (MA)	Mazzoli	Slaughter
Franks (NJ)	McCollum	Smith (IA)
Frost	McCrery	Smith (NJ)
Furse	McCurdy	Smith (TX)
Gallo	McDermott	Snowe
Gejdenson	McHale	Spratt
Gephardt	McHugh	Stark
Geren	McInnis	Stenholm
Gilchrest	McKinney	Stokes
Gillmor	McMillan	Strickland
Gilman	McNulty	Studds
Gingrich	Meehan	Stupak
Glickman	Meek	Sundquist
Gonzalez	Menendez	Swift
Synar	Unsoeld	Williams
Tanner	Upton	Wise
Tauzin	Valentine	Wolf
Taylor (MS)	Velazquez	Woolsey
Tejeda	Vento	Wyden
Thomas (CA)	Visclosky	Wynn
Thomas (WY)	Volkmer	Yates
Thornton	Vucanovich	Young (AK)
Thurman	Waters	Young (FL)
Torres	Watt	Zeliff
Towns	Waxman	Zimmer
Traficant	Weldon	
Tucker	Wheat	

NAYS—54

Allard	Ewing	Mica
Archer	Fields (TX)	Miller (FL)
Armey	Franks (CT)	Moorhead
Baker (CA)	Grams	Nussle
Barlow	Hancock	Packard
Bartlett	Hefley	Pombo
Blute	Hunter	Rohrabacher
Boehner	Hutchinson	Royce
Burton	Inglis	Sensenbrenner
Callahan	Johnson, Sam	Shuster
Canady	Kasich	Smith (MI)
Coble	King	Solomon
Crane	Klug	Spence
Crapo	Knollenberg	Stearns
DeLay	Linder	Stump
Dreier	Livingston	Taylor (NC)
Duncan	McCandless	Torkildsen
Dunn	McKeon	Walker

NOT VOTING—46

Bacchus (FL)	Flake	Ridge
Barton	Ford (MI)	Rogers
Becerra	Gallegly	Schaefer
Bentley	Gekas	Shaw
Brewster	Gibbons	Shepherd
Brown (FL)	Hefner	Skelton
Chapman	Henry	Smith (OR)
Clyburn	Kingston	Swett
Condit	Lewis (CA)	Talent
Costello	Lewis (FL)	Torricelli
Dellums	Lloyd	Walsh
Dixon	Manton	Washington
Doolittle	McCloskey	Whitten
Dornan	McDade	Wilson
Engel	Parker	
English (OK)	Reed	

□ 1425

Messrs. McCANDLESS, BURTON of Indiana, KASICH, FRANKS of Connecticut, ROHRABACHER, and MILLER of Florida changed their vote from "yea" to "nay."

Mr. McHUGH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to a previous commitment in my district, I was unavoidably detained and therefore unable to vote on two bills which passed the House today.

Had I been here, I would have voted in favor of House Concurrent Resolution 34, a resolution expressing the sense of Congress that the United States remains opposed to the slaughter of whales in the world's oceans and must extend reasonable protection to the global population of dolphins and porpoises. I have cosponsored similar legislation in previous Congresses, and certainly support this most recent measure.

With regard to H.R. 750, while I understand the reasons behind this body's desire to expe-

dite the authorization of the Export Administration, I have concerns about the length and funding of this carte blanche reauthorization.

Certainly, we can make the necessary adjustments to the Export Administration Act within the next few months. There is therefore no need to reauthorize this agency to the tune of $43 million in 1993 and such sums as may be necessary in 1994. In my opinion, this is an invitation to Government waste.

In keeping with my belief that all Federal agencies must be audited and pared to the bone, I cannot support such a reauthorization which does not make reforms that are undoubtably in order. Therefore, I would have voted against H.R. 750.

PERSONAL EXPLANATION

Mr. McCLOSKEY. Mr. Speaker, unfortunately, I had to miss two votes today, as my flight into Dulles Airport did not enable me to return to the floor in time for these two suspension matters. I would appreciate it if it is indicated that, had I been present, I would have voted "aye" on House Concurrent Resolution 34. I also would have voted "aye" on H.R. 750, the Export Administration Authorization Act.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Speaker, due to a serious snowstorm in upstate New York, the airport in Syracuse, NY, was closed and I was unable to get a flight to Washington. I was, therefore, unable to vote on rollcall vote No. 30 and rollcall vote No. 31.

Had I been here I would have voted "yea" on rollcall vote No. 30 and "yea" on rollcall vote No. 31.

PERSONAL EXPLANATION

Mr. SMITH of Oregon. Mr. Speaker, I regret that I was unavoidably detained for rollcall votes No. 30 and No. 31, House Concurrent Resolution 34 to support the Whaling moratorium and H.R. 750, the Export Administration authorization.

Had I been present, I would have voted "aye" on both House Concurrent Resolution 34 and H.R. 750.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, a massive snow storm hit Pennsylvania creating treacherous travel conditions in the area. Due to this storm I was unable to travel from Harrisburg, PA, to Washington, DC, to vote. Had I been present I would have voted "yea" on rollcall No. 30, to agree to House Concurrent Resolution 34, opposing the resumption of commercial whaling, and "nay" on rollcall No. 31, to oppose House Resolution 750, the Export Administration Amendments Act.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 25

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the name of Mr. ROBERT SMITH of Oregon be removed as a cosponsor of the bill, H.R. 25.

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

There was no objection.

NATIONAL FFA ORGANIZATION AWARENESS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 101) to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Oregon [Mr. KOPETSKI], who is the chief sponsor of this joint resolution.

Mr. KOPETSKI. Mr. Speaker, I thank the gentlewoman from Maryland for yielding.

Mr. Speaker, I want to thank the leadership of the Committee on Post Office and Civil Service of the House for expediting this piece of legislation.

Today we are considering House Joint Resolution 101, a joint resolution designating the week of February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

Currently, the world marketplace is about 5.3 billion people for agricultural products. We know that U.S. agricultural sector is strong. For example, the United States has a $7.5 billion surplus in agricultural products with the nation of Japan alone.

Agriculture contributes over $900 billion to the U.S. economy, according to our new Secretary of Agriculture, Mr. Espy. My home State of Oregon is heavily involved in agriculture. We maintain a positive balance of trade out of our State, exporting over $2 billion in agricultural products to the nation of Japan alone.

The United States has the most stable, affordable food supply in the world, and we should recognize the agricultural community for its contribution to American prosperity.

Mr. Speaker, I am sure we are all familiar with the excellent work of the national FFA organization. This group was previously known as the Future Farmers of America. The national organization was founded on November 20, 1928, as the leadership organization for students of agricultural education in our public school systems.

FFA fosters character development, responsible citizenship, and leadership skills, and training opportunities for students preparing for careers in agriscience, production agriculture, and agribusiness. The FFA has succeeded magnificently in introducing a great many of our youth to civics, education and leadership through agriculture.

The national FFA organization is comprised of more than 400,000 youths in all 50 States and the territories.

Success in U.S. agriculture comes about because of such organizations as FFA. It does not come by magic. It comes by people who work hard and who dedicate themselves to the land and to the business and science of modern agriculture. It comes from smart people.

□ 1430

I am particularly proud of this resolution, Mr. Speaker, because students from my district originated this idea, students from the Silverton, OR, chapter of FFA. Silverton is a small town of about 5,000 people in the beautiful, productive Willamette Valley.

Mr. Speaker, last fall I visited Silverton High School and met with a student, Rebecca Fisher, spokesperson for Silverton High School's FFA organization, Silverton's 75-member FFA organization, and their adviser, agricultural science and technology instructor, Mr. Andy Bellando.

During this visit I suggested to the students that they get involved in the legislative process. I was very proud to see that they acted on my suggestion. This is their work product today. This shows that a good idea can still become a law in the United States, even from our young people.

Mrs. MORELLA. Mr. Speaker, when it comes to farming, most Americans want food that is inexpensive and safe to eat. Yet, family farmers comprise less than 3 percent of the population of our Nation, and that number is dwindling. Our hope for the future is with organizations like the Future Farmers of America.

Future Farmers of America is comprised of more than 400,000 high school students across the United States. Future farmers are trained at their various schools in different aspects of farming, and they are encouraged to become actively involved in their communities. Through programs, such as Project Pals, high school students are paired with younger students to stimulate an interest in agriculture. Other projects include working with disabled students, planting seeds, and encouraging an interest in the various aspects of farming.

Students who participate in Future Farmers of America programs learn leadership skills, based upon the principles of cooperation and family agriculture, that prepare them to take over the task of feeding our Nation. The Future Farmers of America is an essential organization that can revitalize the family farm and continue America's leading edge in agriculture. It is

my pleasure to salute this outstanding organization and to wish its members continued success as they face the challenges of the future.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as a farmer from Michigan who has gone through FFA and was a star farmer, I want to take this opportunity to strongly endorse this resolution and this program as a training and experience program that allows young agricultural and nonagricultural individuals to grow up with an understanding of agriculture and its contribution to our society.

Now that the American farmer is producing the food and fiber and a higher quality food and fiber to our people in this country at a smaller portion of the disposable income than any other country in the world, it is very proper that we pass this resolution.

Mr. Speaker, I am proud to be one of the cosponsors.

Mr. DE LA GARZA. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 101, to designate the week of February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

The National FFA Organization is one of our Nation's most successful nongovernment programs to help young people become more productive and responsible citizens. FFA is dedicated to fostering character development, agricultural leadership and responsible citizenship among students enrolled in approved agriculture education programs at our Nation's high schools.

Today's FFA is not limited to leadership training programs for future farmers. It also exposes high school agriculture students to career opportunities in agriscience, agribusiness, forestry and other agriculture-related professions.

It is also an organization whose members believe in the future of American agriculture.

Several years ago, in the wake of the height of the farm crisis of the early 1980's, I was a speaker at the annual convention of the national FAA organization. It was a time of great troubles in the agricultural economy. Yet when I asked the rhetorical question, "Is there a future for young people in American agriculture," the answer from the crowd of thousands gathered in the convention center was a deafening "yes."

Mr. Speaker, I am pleased to join with my colleagues in extending official recognition to the accomplishments and contributions made over the years by the national FAA organization and its members and alumni. I urge passage of this resolution.

Mrs. MORELLA. Mr. Speaker, I concur with the importance of this resolution and all that it connotes. I want to indicate not only my appreciation to the major sponsors but the fact that I am managing this on the floor with my new colleague, the gentleman from Maryland [Mr. WYNN].

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 101

Whereas the National FFA Organization was founded as a leadership organization for students of agriculture education in public schools;

Whereas each member lives by the FFA motto of Learning to Do, Doing to Learn, Earning to Live, Living to Serve;

Whereas the primary goal of the National FFA Organization is dedicated to develop competent agricultural leadership, citizenship, and cooperation;

Whereas as the National FFA Organization is comprised of approximately 400,000 members in all 50 States, Puerto Rico, the District of Columbia, Guam, ROTA (Commonwealth of Northern Mariana Islands), Federated States of Micronesia, and the Marshall Islands;

Whereas the National FFA Organization prepares a student for post-secondary education or employment following high school;

Whereas the National FFA Organization is only open to those students enrolled in approved agricultural education programs;

Whereas the National FFA Organization was formally organized on November 20, 1928;

Whereas the National FFA Organization was organized to foster character development, agricultural leadership, and responsible citizenship and to supplement training opportunities for students preparing for careers in agriscience, production agriculture, and agribusiness; and

Whereas the FFA is a national organization of high school agriculture students preparing for careers in agricultural production, processing, supply and service, mechanics, horticulture, forestry, and natural resources: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of February 21 through February 27, 1993, is designated as "National FFA Organization Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution 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.

GENERAL LEAVE

Mr. WYNN. 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 House Resolution 101.

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

There was no objection.

COMMENDING HON. HENRY J. NOWAK FOR HIS PUBLIC SERVICE

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

Mr. QUINN. Mr. Speaker, today, on behalf of the people of Buffalo and surrounding areas, I would like to honor the work of our distinguished former colleague, and my friend, Henry J. Nowak.

As a local official who represented the town of Hamburg, I worked with Henry on numerous issues important to western New York. Henry had a style that I can only describe as warm, open, and bipartisan. Despite any ideological or political differences, Henry was first and foremost an advocate for western New York, our home.

Henry Nowak has always been a quiet man, letting his record speak for itself. I only have 1 minute here today, so I couldn't even begin to cite all of Henry Nowak's accomplishments here in Congress. But when I go home to Buffalo and western New York, I see Henry's work all around me. As chairman of the Water Resources Subcommittee of Public Works and Transportation, Henry was responsible for bringing almost $1 billion into western New York. Any one visiting downtown Buffalo, the Waterfront, driving the access roads and bridges, or riding the metro will see firsthand what Henry Nowak did for his constituents.

Thank you Henry, for your 18 years of tireless work and representation of western New York. I promise to keep fighting for the issues that matter most to our western New York constituents: Investing in our infrastructure, promoting Federal-State-local business partnerships, preserving fair trade policies, and reforming Congress. I applaud you on your recent unanimous selection as western New York's Man of the Year. I couldn't think of a more deserving individual or better friend.

A PRO-AMERICAN STATE OF THE UNION MESSAGE

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

Mr. RICHARDSON. Mr. Speaker, tomorrow night the President will tell the American people the truth. He will talk about the truth in the economy. He will talk about the need to sacrifice, and for every American to contribute. He will talk about creating 500,000 jobs to stimulate the economy. He will talk about stimulating the business sector. He will talk about education, children, families, and investing in the future. He will also talk about reducing the deficit.

For the last 12 years we have had State of the Union Addresses where the truth was masked and where we needed to talk about Americans sacrificing. Last night we saw a courageous President talk about the problems we face

ahead and what we must do to build an economy that will better serve our future.

President Clinton has laid out a realistic package which will end the cycle of stagnating incomes and declining jobs for the middle class. His speech tomorrow night will be pro-American, pro-jobs, pro-family, and pro-future.

Mr. Speaker, finally, the middle class has been put at the center of this Nation's economic policy. Last night President Clinton spoke to the American people about his plan to reinvigorate the U.S. economy, calling upon all Americans to work together to "create an economy in which all Americans work hard and prosper."

For the last 12 years we have heard muddled and less than truthful talk about the economy. Last night we saw a courageous President talk straight about the problems we face ahead and what we must do to build an economy that will better serve our future. President Clinton has laid out a realistic package which will end the cycle of stagnant incomes and declining jobs for the middle class. He spoke of the need to jumpstart the economy, to make long-term investments, and to cut the deficit.

Tomorrow night the President will address a joint session of Congress and the American people in order to present the specifics of his plan. A plan that will attempt to reintroduce fairness to our economic policy and reverse the policies of the Reagan-Bush administrations. President Clinton and Democrats in Congress are committed to a plan:

That produces a system of affordable health care for all Americans;

That invests in education and training;

That focuses on the needs of displaced defense workers; and

That produces a fairer tax system and ensures that working parents will not raise their children in poverty.

There is much work to do and only together can we begin to rebuild America.

PRESIDENT'S SPEECH A GRAVE DISAPPOINTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise today to speak briefly abut the speech that the President of the United States made last evening to the American people. As someone who during his 6-year tenure in this Congress and body has attempted to work with coalitions from both parties on a number of issues, I found the speech a grave disappointment. In spite of the fact that President Clinton last week sent me a letter congratulating me for my efforts in assisting him in moving the family and medical leave legislation through, we have had no contact whatsoever as Republicans, rank and file Republicans, on the package he is about to announce tomorrow evening.

□ 1440

In fact, he took great length to announce that Congress has been consulted, and for the most part all I can see are the Democrats who have been brought in almost totally and yet no interaction with Republicans of this body.

Leading up to the actual speech last evening and continuing through today and tomorrow has been a lot of rhetoric that disappoints me quite clearly. First of all, the rhetoric about the bonuses given to Cabinet members in the weeks or days before they left office. If the President were serious about this, Mr. Speaker, I would suggest that perhaps he look at all the retiring incumbent Members of Congress in the last session and look at the bonuses and increases that were provided to them and apply the standard across the board. But we see a President who is unwilling to take on the leadership of this institution, and that says a lot about what he is proposing.

I think in terms of the speech and the actions that have taken place up until last night and will take place again today and tomorrow, it is more partisan politicking than it is real substance. As a matter of fact, all we heard last night was blaming the last 12 years of George Bush and Ronald Reagan, no acceptance of any responsibility on the part of this body or the leadership of this body. Once again, indicative of this President looking as though he is not willing to take on the leadership in the Congress but is going to go along with the status quo while really trying to tell the American people that he is a real instrument of change in terms of the way Government is in fact being run.

What it looks like he is going to be proposing to us tomorrow night is nothing more than warmed over Bentsen, Panetta, Darman policies that we tried to deal with 2½ years ago. The program that President Clinton has announced he is going to be bringing forth to us tomorrow evening is nothing different from what was proposed 2½ years ago.

We were told back then that for this modest tax increase that we were going to get real, true budget reform. We were going to get spending control. And look where we are today.

Mr. Speaker, the tax increases that are being proposed in this package are outrageous. They are outrageous especially in light of the fact that there are no significant spending cuts contained in this document. There is no process reform.

President Clinton last night spoke about the fact of how he had balanced the budget of Arkansas for 12 years. What he failed to tell the people is that he had two very important tools in that process. He had an amendment or provision in his law of his constitution of his State to balance the budget, a requirement as most States have. And he has a line-item veto.

Where is his support to the leadership of this body for both of those measures? If he really believed in process reform, why does he not come out and take on both of these initiatives so that we can give him the tools that we feel are necessary to balance this budget like he did in Arkansas?

Where was President Clinton's comments in terms of the unauthorized appropriation? On the defense bill alone, we average between $5 and $10 billion a cycle of unauthorized appropriations that are stuck in without full hearings and going through the appropriate legislative process. Where was the President speaking out on the need to reform the system and the process of the way that we spend money here in this institution?

Mr. Speaker, I have some grave concerns about the direction we are going as a country, and I have some grave concerns about the plan that is being put forth by President Clinton last night and again tomorrow evening to this body.

He told us during the campaign that he was only going to tax those who made more than $200,000. Now it is not just more than $100,000, it is families who make more than $100,000. If a husband makes $50,000 and the wife makes $50,000, they are, under his new definition, the wealthiest people in America. And he tells us that 70 percent of the American people are going to pay for the bulk of this bill. They are the people who are the corporate citizens and those wealthier taxpayers.

Mr. Speaker, we know that when any tax is placed upon a corporation, that corporation is going to pass that additional cost along to the consumer. The consumer is going to end up paying the bill.

Mr. Speaker, we heard during the campaign that for every dollar of tax and revenue enhancement, we are going to get from a Clinton administration $2.75 in cuts and reductions. In fact, what we are going to hear tomorrow night is $1 of cut for $1 of tax increase. And we know, Mr. Speaker, looking at history, that every time this institution has raised revenues and raised taxes, we have not in fact cut the deficit. We have, in fact, increased spending by two, three, and four times the amount of revenue raised.

Mr. Speaker, the President is off in the wrong direction. He is saying to the American people, it is now time to sacrifice. "I need more of your money." Mr. Speaker, 20 percent of the electorate in November cast their votes

against both parties. It is time that President Clinton listened.

We need to first of all cut spending and control the way we spend taxpayers' money and then look at the revenue side of the equation.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 60 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I would like to utilize some time to talk about a subject that I think all of us are interested in and are looking forward to dealing in, and that is health care.

Of course, everyone is concerned about health care. It is a national problem, one that we will be addressing and have addressed as a national reform. I want to talk about two things: One is moving forward on doing what we can with changes in the health care delivery system in this country, and then, more specifically, to talk a little bit about the difficulty we have in trying to relate a national health care program to rural areas such as Wyoming.

In fact, almost every State has a rural area. Wyoming may be unique in that we are almost entirely a rural area. So those are the things that I particularly want to talk about.

Obviously, we share the same goal, I believe, in health care, even though there are many ways to approach finding solutions. The goals that are commonly shared, I believe, are first of all, access to every American to a basic level of health care. And I think we have decided, informally, that that is the public policy that we will support, is a basic health care program and accessibility to everyone in this country.

The second challenge, of course, is that of doing something about health care costs. It is an enormous program, a program that touches each of us, whether it be our parents or our children or ourselves and our families. Everyone in the country is touched, of course, by health care and the costs that are attached to it.

Last year we spent nearly $840 billion in this country on health care, more than any other country, of course, and more per capita than any other country. And at the same time we did not provide access for everyone. Some 35 million people in this country do not have insurance. That does not mean that they do not get health care of some kind, but it surely means that the health care that is delivered to them is not delivered efficiently. It is often delivered in emergency rooms and expensively and, of course, maybe more important than anything else, no preventive care at all.

So we really ought to be talking about health in general and not health care. We really ought to be paying doctors to keep us healthy rather than paying them to fix us after we are broken.

In any event, it is a program that has been talked about for a very long time. There are many Members in this Congress who are very knowledgeable about it. Yet we have not really come to a consensus as to how to approach it.

□ 1450

The Congress bickers about it. The administration now, and Mrs. Clinton, I understand, is in charge of a study to come forward. I hope that she does, with the help of others, and I hope that the Congress is helpful as well as it does come forward.

I would like to suggest, however, that Washington is different than Wyoming. In Wyoming sometimes persons have to travel 100 miles to see a health provider, so access becomes more than simply the economic opportunity to have someone take a look at your health, but to have a provider available, whether it be a doctor, whether it be a nurse-practitioner, whether it be a physician's assistant. The difficulty in having health care available is one that is especially acute, I think, in rural areas.

Related to that, of course, is the reimbursement that is available, particularly in Medicare and Medicaid. It has over time historically been a lower reimbursement in rural areas. We argue that that is unfair, that there are costs that offset the differential. Certainly the rent is higher in New York City than it is in Basin, WY. On the other hand, the volume is different and there are higher costs there, as well.

We see ourselves having to provide a continuum of services from one area to another in which there are various levels of services, and we need to plan to do that. The current health care program that is being talked about is called managed care. Interestingly enough, the notion of managed care has come from a think tank in the Jackson Hole Group in Jackson Hole, WY. I favor the idea. It is an idea of bringing together volume purchasing based on quality and using the marketplace to provide both quality and to provide a lower price. Unfortunately, it does not always fit, as frankly is often the case with Federal programs.

One of the reasons, personally, is that I believe the more programs we can provide at a lower level, the more likely they are to fit. The "one fits all" idea, if it fits in Pittsburgh, it does not fit very well in Chugwater, WY. Of course, that is true in many, many places.

The model that was talked about on managed care that I think is very useful was one that was done in Cincinnati, as a matter of fact. Large employers polled the insureds. They looked at the 17 hospitals in Cincinnati, found the ones with the best quality, found the ones with the lowest price, and used their purchasing power to direct their business there; a good idea, not a brandnew idea but a good one, but it dose not work well in a place where there are no choices. Now there are no two-hospital towns in Wyoming. There was one, but finally the two merged. We have no towns with more than one facility, so the notion of having a selection, the notion of having competition between providers, does not fit there very well. It is a good plan, but it has to be augmented with something different if we are to use it in rural areas.

It seems to me that there are some things that we really know how to do. Mr. Speaker, I hope that we move forward on them. First of all, it seems to me that we have to have insurance reform if we are going to use the private sector, as I think we should, to finance these services. We have to have insurance reform. Insurance is basically regulated at the State level, but I think we are going to have to take a look at it as well on the national level to give some direction to those kinds of things.

First of all, if we are going to have insurance and we are going to have basic access to everyone, we cannot cancel people because they have losses, excessive losses. We have to let everyone be insured, so we cannot have an elimination by having prior bad experiences or prior conditions that eliminate people. We cannot do that if we are going to use insurance as the criteria.

I think we can do that, and we can do it in medical insurance. We can have pooling and we can have assignments, so that the very high risks are shared among the companies and small companies do not go out of business.

I think we have to have community rates so that each of us is not rated based upon the losses that we have had and subsequently and elimination of those people from the insured coverage.

We have to have a basic package, so that every insurance company would be offering the same kind of package. They can offer more, if they choose, but there has to be basic package. We can do that.

One of the things that has to be done, Mr. Speaker, I think is tax reform. Right now a self-insured person who buys health insurance gets a 25-percent tax deduction, where a corporation insuring their employees gets 100 percent. That is not fair. Certainly also it does not lend toward everyone being involved in the insurance program.

The basic package, of course, has to include hospitals, physician care, diagnostic testing, and preventive care. It is difficult to find a way to cause the market to really reflect the need for preventive care, but I think it is terribly important, and we ought to spend

as much doing the kind of things to avoid health problems ass we do fixing them after we have found them.

I think we have to have businesses involved in offering units, groups that can be insured. I do not think businesses should have to provide insurance. I believe if we did that we would be working against ourselves in terms of creating jobs, because I am confident there are a number of small businesses that would not be able to do that, but they should be required to provide a group in which employees can take advantage of that.

Then it seems to me the way we deal with those who on an income basis cannot afford their insurance is to provide vouchers and tax incentives for assigning them.

The second important part is we have to do something about the basic costs. The notion that we can just continue to provide money for the same program and really expect something to be different by putting more money into it simply does not work, so we have to deal, I think, with the basic causes of some of the cost-driving elements of health insurance.,

One of them is tort reform. People argue about how much of an impact there is from the liability standpoint in health care, and we can argue about the amount, but we cannot argue with the fact that defensive medicine forces up costs substantially. Doctors and other health providers provide procedures that have very little to do with their health. They have to do with avoiding suit, and those kinds of things I think need to be changed.

We need to do something about reducing paperwork, and Secretary Sullivan, who recently left the Department of Health and Human Services, started a task force to do that. There is no reason why we ought to have 50 different forms to file a claim at a hospital.

I went up to Canada with a group last year to look at the Canadian program, and I am not an advocate of imposing a Canadian health program on the United States, but I do recognize that there are some things the Canadians do better than we do. One of them is to reduce administrative costs. We went to a very large hospital, a 700-bed hospital, as I recall, and they had two people in the billing department. That is much different than the billing department in this country, that is much smaller, so we can do that.

I think we have to do something to reduce duplicative services. I am very much impressed with Dr. Koop, the former Surgeon General, who suggested that we ought to put a percentage of the premiums from insurance, health insurance, into research of outcomes so that we would have a really scientific notion of what kinds of procedures work best for certain sorts of illnesses, and we should do that.

Finally, of course, we have to deal with long-term care. Long-term care is one of the most important and expensive elements of health care. Basically in Medicaid it is the most expensive item. We need to make some changes there. We need to be able to keep people in their homes with home care, much less expensive and also much more favorable for the patient than moving him to a $25,000 a year health care nursing home, unless that is a requirement. We need to do that.

We need to change the tax laws so young people begin to prepare for long-term care as they do life insurance in the early years. The costs would be relatively lower. We need to be able to convert IRA's into long-term care, or life insurance policies that could be used for that purpose.

There are a great many things that do need to be done. Interestingly enough, it seems to me, Mr. Speaker, that we do know the answers. We do know what we can do about health care to provide access for all Americans. We do know some of the things that need to be done to reduce the costs. We simply need to get at it. We have had some basic disagreements in this Congress, and I think throughout the country there is not a common notion of how this needs to be done. I do believe that there is less support today for the idea of a Federal program delivered by using the Federal Government as a service delivery system than there was a couple of years ago. I think increasingly we are aware that Medicare and Medicaid are not without problems.

We talk about a single payer system in Canada. The fact is that we have three times as many people in this country on single payer as there are in the whole of Canada, and that is not satisfactory. It is probably unlikely that we could take another culture, take another country's program and impose it here and expect it to work.

□ 1500

But we can find a way and we must find a way, and we need to take into account as we do that that there are areas that are quite different in their composition than the urban areas.

In this Congress, of course, most Members come from places that are fairly highly populated. So those of us who come from lower population areas need to work very hard to make sure that those interests are represented. So I am very pleased to be a part of the rural health caucus which represents I believe about 170 Members of this House who share these unique aspects of a low population area in health care.

So Mr. Speaker, I really hope that we can move forward. I look forward to the administration's proposal. I think we ought not to twiddle our thumbs until that happens. I think we ought to move forward in doing what we think ought to be done. There are very many Members in this Congress who are very knowledgeable about health care, and we need to move forward on it. Our goals I think are fairly well defined, and I think the public policy is that we need access for all Americans. I think we have to do something about the basic costs and deal with the root cause of the costs, and we do know some ways to do that.

Mr. Speaker, I appreciate the opportunity to take a little bit of time to talk about how plans like managed care could be converted and to work in rural areas. I hope that States will move forward in trying to devise a delivery plan. Clearly, we are going to have a spoke and wheel kind of delivery system in hospitals where we have the highest level of services as some kind of a regional hospital with affiliated hospitals providing less service where we simply have stabilizing of emergencies and basic family care and then move people, transport them to where we can afford to have a cardiac center, or afford to have an imaging machine, the very expensive items which all of us want and all of us demand in our health care.

So Mr. Speaker, I think we should move forward on this. I think we know how to do it. It just takes a will to move forward, and I suggest that we do so as soon as possible.

Mr. Speaker, I rise today to call upon my colleagues to enact comprehensive health care reform. I have been a Member of this body for 4 years now and we're still discussing the problem of rising medical costs but doing nothing to curb them. How many reports is Congress planning to issue on the disproportionate share of health insurance before making it equal for all Americans? While Congress, the administration, and special interest groups bicker over what direction to move, the people of my rural State of Wyoming are losing physicians, hospitals, and the lifelong benefits of comprehensive care.

Rural Wyoming is not like downtown Washington, Denver, Seattle or Dallas. There are great distances between towns, sometimes 100 miles to the doctor. There are different expenses for operating a clinic and practice. Emergency service has a vast radius. Rural people depend on their health care in a completely different way than urban areas. And any comprehensive care reform plan has to recognize these crucial differences because every State has a rural area. I just happen to represent a State that is entirely rural.

The Federal Government does not have expertise in delivering health care successfully in Chugwater, WY, or south central Los Angeles or New York for that matter. The Federal Government's responsibility is to pass a health care plan that sets a framework in which States and local communities can work. My State of Wyoming will not benefit from an elaborate managed care system where providers compete for consumers. Few towns in Wyoming have more than three doctors. No Wyoming town has the required 180,000 people to support managed care. Congress needs to wean itself from the congressional reports, the polls and behind-closed-door meetings and pass a few basic measures that get to the core of our health care delivery problems.

Every day my office receives mail from families whose health insurance premiums rose over $400 from last year. At town meetings, I hear stories of people who are denied coverage either because of price or being the victim of a previous health condition. No one can deny that these are the primary problems with our Nation's health care delivery system.

Every Member of Congress agrees that the insurance industry needs to be fundamentally reformed. My health care plan takes on that task by prohibiting insurance companies from underwriting, using preexisting clauses and limiting premium rates. I also propose adding pooling arrangements for small businesses and increasing the health insurance tax deduction for self-employed business owners. These last two measures, however, could be added at a later date so as not to bog down the primary reason for changing the delivery of health insurance—people.

My plan requires all individuals and families to sign up for a basic benefit package. Businesses do not necessarily have to pay for this plan, but they would be required to offer access to it. Vouchers would be provided for those meeting low-income eligibility standards and tax incentives would be offered to encourage businesses and individuals to sign up.

The basic package must include hospital care, physician care, diagnostic testing and preventive care. It must be limited in scope but not limited in choice. Rural areas have a tough time offering a full range of providers and that's why any basic plan must allow individuals the right to choose among qualified, licensed health care providers for those covered services.

The notion of cost containment for all parties involved is a complex one, but absolutely necessary for real reform. The benefit of my plan is that it contains costs by changing the obstacles that have spent $800 billion on health care. Reforming our system requires more than capping expenditures like Canada because when a balloon is squeezed at one end, it explodes at the other.

Instead, we need to enact tort reform, flexible antitust laws, and crack down on health care fraud. While I would prefer States to reform their own malpractice liability laws, it is such an important tool for systemic cost containment, it may be necessary to enact it federally and preempt State law to control costs nationwide.

Other important cost containment measures include reducing the hassle factor and allowing providers to fill out 1 uniform claim rather than 10. We need to cut back on duplicated procedures and allow facilities to consolidate by sharing services when applicable.

Long-term care is also an important pillar of my plan that must be put on the reform table because it's just around the corner for many of us. It also makes my plan different by expanding community services, such as home health care, and allowing the conversion of equity funds, such as IRA's, so that more seniors will be able to purchase long-term care coverage.

All these measures, however, depend upon a coordinated Federal/State partnership. The States need more flexibility in managing Medicaid so they can develop a delivery plan which caters to their unique needs. In Wyoming, we've been forced to create spoke-and-wheel arrangements that offer different levels of service. This helps us utilize our scarce resources better and coordinate recruitment efforts to attract and retain providers.

A statewide delivery plan, however, will only be effective if the Federal Government does its share by reimbursing Medicare and Medicaid on the same basis as private carriers to end cost shifting. Reimbursement rates between rural and urban providers must be equal so there's an incentive to practice in low-populated areas like Wyoming. And finally, the Federal Government must continue to provide education incentives for new physicians choosing primary care fields or practices in rural areas.

While these steps aren't exhaustive of all the necessary reforms, they can easily reach a consensus and pass overwhelmingly. It's these kinds of initiatives that improve access and build a basic system of care available to all because as representatives, we must always keep in mind that expanding care, affordable and sensible, must focus on the consumer—that's the bottom line.

CONGRESSIONAL OBLIGATION TO THE HORN OF AFRICA

The SPEAKER pro tempore (Mr. THORNTON). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 30 minutes.

Mr. WOLF. Mr. Speaker, I recently returned from an official visit to the Horn of Africa. Using Nairobi, Kenya, as a staging point, I visited southern Sudan for a 2-day period, followed by a 1-day stop in Baidoa in Somalia.

The Sudan, and southern Sudan, is far, far away, not only in terms of the 20-hour flight to get there, but it is a distant place in a distant time. The refugees in southern Sudan are a forgotten people in a remote corner of the world whose story is an untold tragedy of oppression, of cruelty and of hopelessness.

The ravages that the people in southern Sudan continue to endure seem much worse because they result not only from drought, and plague, and famine, and natural holocaust, but also spring from man's inhumanity to man.

On Monday, February 8, I flew in a small twin-engine plane carrying relief medical supplies to southern Sudan from the Norwegian People's Aid, the NPA organization, arriving at the base camp which is home to the NPA. That is the only nongovernmental organization or NGO today retaining a permanent, round-the-clock presence in Sudan where four relief workers were recently killed in a skirmish in southern Sudan from rampaging factions of the Southern Sudanese People's Liberation Army. And also another outstanding group is the Catholic Relief Services which has a vital role in conveying lifegiving food and supplies from far outside the country to three refugee feeding camps in the southern region, Aswa, Ame, and Atepe. These loosely defined camps are located in proximity to the main road bisecting Sudan on which hundreds of thousands of refugees made their way southward driven by the relentless and unforgiving army of the Government of Sudan in Khartoum. People are without food, are without medicine, without clothing, and it seems without hope. These people would surely perish without the bare subsistence provided by the Norwegian People's Aid and the Catholic Relief Services.

I visited in two of the three camps and saw the relief efforts which seem at best to fend off starvation and sickness for the moment, rather than to nurture and provide lasting sustenance to the refugees. Twice each day children, and when I say children, there are hundreds of thousands of children in lines and circles with feeding bowls, but the children, the infants form an endless line to receive a meager ration of food to prolong their existence until they again line up to do this again later on in the day.

In the camps I heard from the refugees and from the people. One individual, a woman named Rebekka, who was from the Dinka Tribe, was very angry and upset. She told me a number of things, that she had lost three of her children, that she had lost her husband, and what she said was told to me by a number of others of the Dinka Tribe. First, she said the world is silent to the suffering in southern Sudan because, she thought, the people of southern Sudan were black. The reluctance to act, in her view, and in the view of others, she said, was a matter of race, and these conditions would not be tolerated, she said, in any other part of the globe.

The second point is she felt, and many of the others I spoke to felt that they were being persecuted, starved, and bombed and killed because they were Christians.

The last point that she made, and there was near universal agreement by the southern Sudanese refugees, is that the humanitarian groups, such as World Vision and others who do such a wonderful job, and are doing such a wonderful job in Somalia where we were later on that week, and in Baidoa, and Mogadishu, should come back into the southern Sudan to help with food and giving assistance. As many people know, these groups left the region after the relief workers were killed, and are understandably reluctant to return until some measure of security for the caregivers can be assured.

These three points were echoed by others with whom I met. A pharmacist who provided the only medical health care in the Ame camp made a similar plea and asked for the return of the private humanitarian relief groups. Until significantly more relief is available, there is little medical care, no health care, insufficient food to sustain

life. People are starving to death every day.

Some of the scenes that I saw, if we saw them in the United States, of children lying on the side of the road dying, we would call the police, or the rescue squad, or we would call somebody and take them to the hospital. In southern Sudan they are all over the place, and it is desensitizing because you cannot do anything to help them, because the same scene is everywhere, because people are starving to death every day.

□ 1510

There is no opportunity to educate the children. You are losing a whole generation of children that will never be educated and have very little chance for opportunities in the future. Quite frankly, the people in southern Sudan have literally lost a generation and will probably lose much more.

I also met with representatives of the SPLA and Sudan Relief Rehabilitation Association, with a number of Catholic priests, with local officials, a number of old hands in Sudan. I visited hospitals including one exclusively for those with tuberculosis and saw firsthand the recent damage in the town of Kajo Keji on the western bank of the Nile where the Khartoum government bombed the crowded town market killing and injuring many, many people.

The Sudanese Government did high-altitude bombing of this village where there were no military people in the village, and the Pope was not every far away in Uganda, in northern Uganda, and they still bombed. We saw the bomb craters, where they hit the huts.

They destroyed town marketplaces and a number of huts. They killed about 12 women and children.

Then we went into this building that they call a hospital, but, frankly, it was not a hospital. Nobody who can hear my voice would even go in there and would ever call it a hospital, but in this so-called hospital, there were a number of the wounded. There was one woman there with shrapnel in her head from the bombing. It does not get much worse to have to live in southern Sudan than to be in southern Sudan and in a little building they call a hospital which is so filthy and dirty with rats and disease and to be lying in a dirty, filthy bed with shrapnel in your head and no hope for the future.

Just when it seemed conditions were as bad as they possibly could be, they just seemed to get worse for the people.

Mr. Speaker, I believe this is a story that really must be told. This is the third time that I have been to Sudan. I was in southern Sudan in 1988, and then in 1989, and now looking at it today, it is much, much worse.

I think this is a situation that must not be permitted to last, and I think, frankly, that it need not last. There is much that can be done.

I was particularly impressed with the Pope's statement when he visited Khartoum, and the Pope's statement when he was in northern Uganda on the southern Sudanese border.

I just want to summarize with some recommendations. Our Government, the Clinton administration, the Secretary of State, the new Assistant Secretary for African Affairs must work for relief from the Khartoum government. Pressure should be put on the Khartoum government to stop the bombing and stop the killing.

In southern Sudan, what we probably need is, for lack of a better word, and I do not know exactly, almost what the Kurds have been successful in getting in Iraq of some sort of no-fly zone whereby both sides, the Government of Sudan and the SPLA agree that there will be no military presence in that area so the people can get food and medicine and relief, and the humanitarian groups can go in and know that they can go in without worrying about bombs dropping on their huts at night.

Then, stepped-up relief efforts including encouraging medical teams to help out for short but frequent periods is essential.

There was a Norwegian group in there, a doctor and three nurses, a doctor and his wife who was a nurse, and two other nurses, and they were there for 3 months. They all had amoebas in their stomachs, and they all had diarrhea and were very, very sick but had tried to do what they could, 3 months in southern Sudan, and it is probably too much to ask somebody to go for a long period, but I think we must have some medical teams go in on a rotating basis.

Also, we need the humanitarian relief efforts including bringing food and medicine, the principal life-giving needs to the people of southern Sudan.

Now, I am going to do what I can to bring this to the attention certainly of the United States and the Western World.

Let me just say to the media, I know it is a hard place to go to, but I think that this is a story that has to be told when literally hundreds of thousands and millions of people are dying. This fighting has been going on since 1984. People are dying, and then I think that the Western world has to focus on this, the United Nations has to address it. If we address it now with a no-fly zone and a buffer zone for relief and supplies, then we will not have to be what we are doing in Somalia. I salute President Bush, former President Bush, for his actions in Somalia. I think he did the right thing. But that is going to cost hundreds of millions of dollars.

We can keep that from taking place in Sudan if the West will focus on this now, and that is why I salute the Pope for going there, and I urge the West and the media to focus on this.

Second, the Members of Congress have to focus on this.

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

Mr. WOLF. I am happy to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I wanted to commend the gentleman on his statement so far and indicate to him that I had the privilege, I will say, of traveling in the Sudan in 1968. I had the opportunity to leave from Khartoum to travel down the Nile into Uganda and discovered virtually the same situation, the same circumstances minus the occasion of the actual bombing that has been taking place.

The situation that the gentleman describes has been ongoing over all of these decades.

I would say that the assessment that there is a division in that country, in that nation, with respect to those who are black, with respect to those who are Christian or animist, with respect to those who are in the great Sudd area of southern Sudan, the great swamp area, as opposed to the Islamic desert north of the country is such that perhaps a division is irreparable. I do not know. I would not comment on that at this particular time.

I think the gentleman has focused on the humanitarian side of this and the political implications of this for both the United States and for the United Nations.

I want to indicate to the gentleman that I did not know he was going to make these remarks today, and when I heard them, I took advantage, if you will, of the opportunity that it gave me to confirm for our friends that the remarks that the gentleman is making, while current today, represent the sad combination of a history, a legacy of terror, if you will, and horror that has been building over the past more than three decades now.

I certainly would agree with the gentleman that we need to alert ourselves in this Congress to this issue, because I believe that the conditions that he describes are not about to go away. If anything, they are about to be extended; in other words, the Somalian situation and the Sudanese situation are something that the United Nations will have to address, that we will have to address as a leading member of the United Nations, and that unless and until we take up the call of the gentleman, as he has described so eloquently these past few minutes, take up this challenge, we will find ourselves in a situation where the response that we will have to make inevitably anyway will be so much the worse in terms of arriving at any reasonable conclusion, so much the worse for trying to achieve a political solution or at least resolution.

So I thank the gentleman for bringing this to our attention and wish to associate myself with his remarks and pledge to him that I will work with

him and anyone else who is interested in this area and in these matters to try to do what we can in the name of humanity and in the name of the political, economic, and social sense, not only for Africa but for the commitment that we make as a member of the United Nations.

Mr. WOLF. Mr. Speaker, I want to thank the gentleman for coming over from his office to make that statement. I appreciate it very, very much.

I think as Members focus on this, and the gentleman having been there before, it will become so obvious, and I just want to let him know that I appreciate the fact that he took the time to come over quickly to reiterate or second that. I thank him.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield further?

Mr. WOLF. I am happy to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, one of the things that took place, so that I do not leave the gentleman or anyone else in the dark as to this trip, we are probably among the few Westerners then who have ever been in this part of the Sudan, I think the gentleman would agree, aside from those who have committed their lives for humanitarian purposes.

I wanted to travel the length of the Nile back in that time as a kind of an adventure. I had no idea at the time of the conditions and circumstances that I would find when I went on the Nile. I traveled on a paddle-wheel steamer down the Nile, down to Juba, down into the southern Sudan to visit some of the towns along the way.

□ 1520

We were confronted with military forces down there, and I found that there was a tremendous desire on the part of the people in that area to get connected with the United States. I am sure the gentleman would confirm we found this in so many places all around the world, that in the most remote sections of the world and certainly southern Sudan, I think, would qualify in that regard, remote in the sense of sophistication, access to technology, knowledge of the world generally, and the conditions there, that kind of thing—that yet there was, especially from the young people, a desire, a feeling of friendship for the people in the United States, a reaching out by them.

Mr. Speaker, I remember a young man saying to me, "Could you help me get to school in the United States?" My feeling—and I was a student at the time, traveling on my own, backpacking around the world—my feeling of frustration—and I must say not pity, as I am sure the gentleman would confirm, I am not speaking of these matters nor is the gentleman, I am sure, speaking out of pity; quite the opposite—out of a genuine human concern, out of a reaching back to someone who thought of the United States as a bastion of freedom, who thought of the United States of America as a land of opportunity, who thought of us as people who would care about him. Now, the fact that he could ask someone like me in my circumstances, just a student traveling around the world, that he thought I might be able to help him in that regard, being able to get to the United States, that was his goal. They have a vision, even under the most dire circumstances, in places like Sudan, abandoned by the rest of the world, that the United States is their true partner, that the United States will help them if we can.

Yes, we have tremendous problems facing us here at home, but we are the leader in the world, whether by default, whether by design, whether by destiny, however one concludes it, nonetheless we have this responsibility.

So I reiterate to the gentleman that his words today need to be heeded and that those of us in the United States have a special responsibility to ourselves to continue to be that beacon that others look to from the depths of their own despair as the Nation that can provide an example of what can be done in terms of freedom, in terms of opportunity, in terms of basic and fundamental justice.

Mr. WOLF. I thank the gentleman. The gentleman will be interested to know that in the villages they knew about Governor Clinton being elected President, even the young kids, which I was surprised at.

I might tell the gentleman that Juba has been surrounded for 5 years. I talked to a Catholic priest who was in Juba last year and the atrocities that are taking place in Juba are unbelievable. The people in Juba have basically been in prison for the last 5 years.

But I thank the gentleman and look forward to working with him.

Mr. Speaker, I think the House, the Senate, the Committee on Foreign Relations, the Committee on Foreign Affairs' subcommittees, must hold hearings. I was pleased today that the subcommittee chairman said they would hold hearings on this issue.

Unfortunately, there are no prominent movie stars, and other prominent people like that who take up world causes who are interested in this, to call attention to this problem.

So the Congress must. I am pleased and hopeful that we will hold hearings on this issue very, very soon, and urge all Members of Congress to focus on this issue.

Also, the Clinton administration has to deal with this issue. If you deal with it now, it does not cost you anything; put pressure on the Khartoum government, appoint someone who can go as a mediator, perhaps as the gentleman from Hawaii said, to politically separate this problem.

Now, that is for other people to decide. But the Clinton administration must deal with this.

The new Assistant Secretary for African Affairs must deal with this. Human rights groups, Africa Watch and others, must deal and look at this; all the humanitarian groups that provide food and relief must look at this.

In my visit I even heard stories of slavery, they would come into villages and take people for slavery. This is hard to believe, yet it came up over and over and over.

The word that was used over and over was "ethnic cleansing," similar to Bosnia-Herzegovina. The other word that came up was the word "genocide," over and over and over.

So I just think that the West must focus on this country, not the way we focused on Somalia. We are not asking to send American troops in. God bless the American men and women, the Marines and military people today in Somalia; you would be so proud of what they are doing, how they have saved so many lives.

But if we come in, in a political settlement and put pressure on the Khartoum government now, we can prevent other Somalias from taking place in the future. We can urge humanitarian groups to come in and allow these people to develop and have some semblance of their history and culture and not be destroyed in the way that they are.

So, Mr. Speaker, this is an important issue. I feel such an obligation because everywhere I went they said:

> Would you tell the people, would you tell the people back in the Congress, would you tell the President, would you tell the Secretary of State, would you tell the American people?

Mr. Speaker, that is what I am doing, and that is what I want to keep doing until we help make a difference for these people whom I consider to be persecuted and suffering more perhaps than anyone has in modern times, in the last 20 to 30 years.

SUMMING UP MY PREVIOUS SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNTON). Under a previous order of the house, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. I thank the Speaker.

Mr. Speaker, what I have to say briefly by way of summing up the last three or four previous special orders in this session thus far, which mostly carried over the continuation of the House's Committee on Banking, Finance and Urban Affairs, the so-called BNL Bank, or the Atlanta branch of the Italian bank that we commonly and popularly know as the BNL or the Banca Nazionale del Lavoro; and say, in a way that repeats what I said in the last special order 2 weeks ago, that even though it got embroiled and it did

at the very outset of last year, which was a political year, a Presidential election year, the basic facts surrounding the investigation on the part of the Committee on Banking, Finance and Urban Affairs were kind of overshadowed.

The basic thrust, the underlying reason that we were concentrating on that one, as well as some related occurrences such as the BCCI and one or two lesser publicized but similar in pattern of their activity, incidents and experiences, all of which, as I said in the last speech, go back personally to my interest since 1975, when I caused the bringing of 2 days of hearings in my hometown of San Antonio, TX.

I was not the chairman then, but I was the chairman of the Subcommittee on International Finance, which chair I held for 10 years. And having come across some information back home, very disturbing information concerning the very heavy volume of money transactions across the border daily, with no record whatsoever, and given that antecedent activities of mine were the ones that led to the ultimate exposure of a ring—and became notorious in Texas as a drug-importing ring and one that became notorious in my area because of its operation, similar to the organized crime in the United States.

□ 1530

I was the one who revealed the extensive stolen automobile vehicles and other vehicles in exchange for drugs. I brought out over a 3½-year period of time beginning in 1970, I took to the floor and mentioned in two special orders at the outset my concern.

I appeared before the local county grand jury four times.

Then finally with some startling events going back to the arrest of the ring leader in San Antonio who had been coming back and forth from San Antonio at will from Mexico into San Antonio and back and forth and involving some San Antonians who I first became acquainted with when I was a chief juvenile probation officer for the Bexar County Juvenile Court soon after the war and who were simply astounded that they were not even middle school graduates, yet telling me they had traveled to Paris and were wearing very expensive clothing and had fancy cars.

One thing led to another, to make a long story short, and I soon discovered the police were calling me to find out what if anything I could connect with some hits or murders that had been taking place in one particular part of the southern edge of the city and the county.

The question I asked of the police was the nature of the occupation, if any, of the individuals who were found gangster-style knocked off. They said:

Well, you know, it's kind of interesting you would ask that, because they are all involved in the automobile business, either automobile salesmen or agents or something.

So then I got some more tips that there was a steady stream of stolen automobiles, some of them coming down what I call the eastern seaboard from this area, the Washington area, down to Florida and then across the southern tier of the country over to Texas, through Houston and then to the southern border crossing in Brownsville-Matamoros. The other was more central. It was the New York-Chicago-Dallas-San Antonio-Mexico-Laredo-New Laredo, and then there was a third that I found out about the second year I went into that, and that was the Las Vegas down to El Paso across Ciudad Juarez and into Mexico.

Then the last was the western seaboard. That was California down through Calexeco and across into Baja, CA.

In exchange, I received very sophisticated information how a certain make of car—for instance a pickup, a Ford pickup—would bring more than the same year model of a sedan in exchange for a given amount of kilos of either marijuana, or at that time it was not so much cocaine as the other principal hard drug.

Then to my alarm, I soon came to the conclusion that these hits were being made because these fellows had gotten mixed up in that trade and somehow or another were caught cheating and they were knocked off.

The police were baffled because they had no clues.

Then I found that one whole nest of this gang was headquartered in a rural area 10 miles south of Nuevo Laredo across the Texas border.

On one occasion they got so brazen when the Federal Government of Mexico sent what they called the judicial officials and, by golly, they hit two of them gangster fashion in the very city of Nuevo Laredo.

So I then tried to put things together, came to the conclusion, and verified one particular death that what was happening and the reason San Antonio police or any other local police would find it difficult to solve the crime was that these individuals were crossing the border, which they could do at will. All they had to do was cross the bridge, pay the fee, and then instead of going right over to Laredo, they kept on coming; 3 hours or 3½ hours later they were in San Antonio. They would make the hit and 4 hours later they were across the border in Mexico.

So then things happened and there was a lot of disbelief until I then made an inquiry of the National Automobile Theft Bureau and asked for statistics, which they provided and they verified.

By 1972, that traffic was over a billion dollars' worth of stolen automobiles in exchange for hard drugs and marijuana.

So I then took to the floor and I made several special orders. The years went by. The grand jury had a hearing or two. They did not indict anybody, but then came the arrest of the leader at a motel in San Antonio by a courageous police officer of the San Antonio police force. He attempted to resist, but he was overwhelmed. He was then placed in the county jail and while in the county jail, his lawyers were able to get a cell that had a telephone and other services and comforts denied any other regular denizen of the county jail.

I was soon informed by a former friend of mine that went back to my juvenile officer days that the fellow as using the phone even to do some drug business out of the county jail.

So he was tried and sentenced and sent to the penitentiary. He had not been there long when he grabbed four hostages, two men and two women, and he held himself up in the Huntsville State Penitentiary and held everybody at bay a couple days.

Finally, he demanded that his attorney who had represented him in San Antonio come and negotiate with him.

The first thing he demanded was, "I want to see what they are going to do about that guy, HENRY GONZALEZ."

Nobody could figure out why this guy was mentioning my name.

To make a long story short, it all ended up in a ghastly tragedy. He ended up in killing the hostages, or at least half of them, and he himself was killed. Everybody then thought that ended it. Well, of course not.

Soon after that and right soon after President Carter's administration had started, we had another momentous case that to this day is still mysterious. This involved the case of Sante Barrio. This is very interesting, one of the most interesting individuals anybody could read about in a novel. He had been an Italian policeman, but he was young, very versatile, managed to dominate two or three languages, went to France, ended up in New York. Then subsequent to that he was hired by the New York Crime Commission, the celebrated crime commission that began to target the French drug connection. He was given credit for having exposed the French connection.

He then came to Washington and went to work for what used to be called the Bureau of Narcotics, or the forerunner and in fact he was here when I think the DEA was begun as such.

He was then transferred to Mexico City as the DEA's agent in charge.

One day there was a big story in the San Antonio papers saying that this man had been arrested in a local hotel and charged with bribery because while he was in that hotel room he had been caught exchanging money and drugs or something with an equally fascinating, engrossing, and mysterious individual by the name of Picot, who was a French agent.

□ 1540

Now, whether he was a double agent, or a triple agent, or whatever you have, nobody has ever really bothered to find out. His true nature was never determined.

What happened was that, when Sante Barrio was sent to Mexico City, this agent, Picot, followed him there. Sante Barrio had been able to help break the French connection by being able to pass himself off at will. He was so able, he could pass himself as an Italian, Frenchman, a Spaniard, what have you, and one of those that he latched on to in breaking the French connection at that time was this fellow Picot.

So, when I read that and then found that the man that had been in that hotel room with him apparently giving him the money was this fellow Picot, I began to ask questions of the local police who said, Well, of course this is Federal, and I said, "Well, all I want to know is how did it come about that Sante Barrio would come to San Antonio, TX, to this very prominent hotel?"; they could not answer that.

But then, for his protection, they said, and under the protest of his lawyer at the time in San Antonio, he was removed up to a county about 90 miles north of San Antonio, and then, because of the insistent protest of the attorney who said, "I cannot consult with my client, it's difficult, it's unfair, it's unjust," they brought him back to the Bexar County jail.

Now mind you this was the same jail where this ringleader, known as Carrasco, that I mentioned, was the one who had held the hostages and got killed, had been able to get a phone installed in his cell and everything else. They bring back Sante Barrio from that county north of Bexar.

The first day he is there, in the afternoon or evening, early evening, he is given a peanut butter and jelly sandwich, and he goes into a convulsion and a coma, and he lies in a coma until the following day, almost 6 months, at which time he expires, but he never regained consciousness, and the case was dismissed; that is, closed, but never, never really resolved.

I was determined to see a little bit more information gathered. It seemed to me that, if a man who was relatively young, and had been in perfect health and was brought down to the county jail, given a peanut butter and jelly sandwich, and then collapsed into a coma, that it had to be more than just some coincidental happenstance. Well, that was enshrouded, and still is, in a lot of mystery except that the DEA took a very, very strong position and then said, Well, he was taking bribes.

Now, he was never tried, he was never indicted, he was never heard to explain his side, only whatever in privity he told his lawyer. Obviously his lawyer was going to defend him from the charges.

But, lo and behold, the DEA says, Well, you know what? We're going to deny his widow his benefits, his pension, and other benefits, and in the meanwhile I came to the floor. I reported all of this to my colleagues. I stated that there was a connection.

But almost coincidentally we have the attempted murder of the Federal district attorney for the western district which is more or less headquartered in San Antonio and extends all the way to El Paso 600 miles away, and a big mystery. The attempt was made there in San Antonio in the suburbs right outside of my district up in an exclusive suburb, and the police could not ascertain anything, even though the way it was done was the assistant Federal attorney was getting up early in the morning, about 8 a.m. He was going to get in his car, going to the local office, when a van-like automobile pulled up in front of him. The rear door opened, and they fired these submachine guns, just riddled his car with bullets.

Now he ducked. He said he ducked under the dash. But to me it was intimidation, pure and simple. I felt that it was more than an attempt to murder him because, if what were obviously professional hit men had wanted to kill him, they could have done it. So, I felt it was an attempt to intimidate the law enforcement side of things, and I had predicted that, if those murders that had been reported to the police, and had defied resolution, and were tied in with this very sophisticated ring of importation and exportation of stolen vehicles, that the day would come when these interests, well entrenched, highly organized, obviously infiltrating levels of society that made us weak to the defense against crime, such as business, law enforcement, government officials, and the ability to defy any coordinated attempt and with great ease defy local attempts to control it.

So, as a result of all that I did bring about one thing after reporting to the White House, and asking for some help and alerting the executive branch. The Federal agencies then decided that they would coordinate certain activities with the local police and the State enforcement police of Texas.

But what bothered me the most was that I was getting reports that there were aircraft coming in daily at will across the border with nobody checking and that some of that money that they were bringing in in undetermined amounts was beginning to filter into our banking and S&L system.

Well, the first indications were just kind of glimmers. I was more concerned about this sophisticated car business. So, together with the Federal agents, the local police and the State, they conducted a 26-hour sting in my area, in my district, and in 26 hours they were able to ascertain and stop individuals that were driving 26 motorcycles that were stolen and headed for Mexico, about 60 or so, if I remember correctly, pickups, about 70 or so regular passenger automobiles.

□ 1550

Then it was brought to our attention that even when they apprehended the individual and they said this is a car that has been reported stolen, that some of the vital parts, other than the engine itself, were not marked, so they could not really be traced to the rightful owner.

As a result of that, I introduced legislation that finally was enacted some 4 or 5 years later whereby you do have now registration of some of the vital portions of an automobile. That was one byproduct by way of legislation.

But on the other, what worried me was that if these forces then become so brazen, and I was really horrified at my own self after having told the local police officials and the newspaper editors that I feared they would be so brazen that they would defy and probably endanger the lives or limbs of some of the local law enforcement agents. But I never dreamed they would do that to an assistant Federal attorney, as they did in the case of this individual known as Mr. Kerr, James Kerr.

The police called me and so did an editor of the paper and said:

> Look, we have been putting things together. You have been speaking. Is this what you had in mind?

I said:

> I never dreamed they would be on this level. But it is obviously connected with Mr. Kerr's prosecution in the Western District of El Paso where they had some celebrated cases involving a group that had connections with Las Vegas.

The judge, John Wood, was very, very severe on these drug mules and peddlers and what not. Mr. Kerr was one of his chief prosecutors.

So I then took to the floor, I had no less than two speeches to this body, which I labeled "King Crime." I said one thing we found out about these chop shops in Chicago, for instance, was the underworld was so sophisticated they had a computer system to synchronize what kind of car or parts they wanted. I said that compared to that, our law enforcement agents are not that well organized.

Because what bothered me is that Customs that may be checking on something on the ground, or maybe even in the air, were not checking with the Immigration Service, and they in turn were not correlating with the law enforcement agencies, whether it is Federal, much less the State or local, and we have to get some coordination.

So that is the reason for that sting operation. I think everybody was astonished when in that brief period of time they found this volume just on this screen, New York, Chicago, Austin, Dallas, San Antonio, and Laredo.

Well, about 5 months after I had begun to speak on King Crime and I brought out how the Nation was imperiled and that until it even halfway resolved that, that we would not be able to really control the destiny of our society, and that in the meanwhile organized crime was so sophisticated and so well entrenched in every level of our society and had penetrated our society at every level, that I did not see at what cost or by what means we could extricate ourselves.

I then received a phone call just about 5 months after I had begun to speak at the opening of that Congress, which was 1979, and it was from Mr. Kerr.

Mr. Kerr said:

Say, I am here in D.C. because the FBI is going to honor me and award me a certificate for my performance in enforcement and the fact that my life was at risk, and I just cannot leave Washington without setting up a meeting to meet you, or, if possible, could you come to the ceremonies?

I said:

No, I can't, because we are going to be in session and we are going to be having votes.

So he said, "Well, I will go by." So he did. I brought him in on the Thursday before Memorial Day of 1979.

He said,

Let me ask you to do something on behalf of a request by Judge John Wood. He and every one of us has been keeping up, even though you haven't been reported in the San Antonio papers.

I did not go out making releases or anything. I made my presentation to my colleagues and advised them of the bills I thought would be necessary for us to entertain, and I introduced some of them, and that was it. But they knew down there.

He said, "Judge Wood would like for you to autograph a photo and send it to him so he could put it in his chambers."

I said, "Well, I will be delighted to."

He said, "You know, we have and U.S. Marshals' surveillance of the Federal judges, but Judge Wood has been chafing, and he finally got rid of them last week."

Well, I could not hold myself. I said, "Mr. Kerr, you mean Judge Wood has dispensed with his protection from the U.S. Marshals?" He said, "Oh, yes. He just couldn't."

I said, "Look, when are you going back?"

He said, "This Saturday."

I said, "Please make a beeline to Judge Wood or call him from here and tell him by all means to get those marshals back on the job. Do not dispense with their services."

Well, I thought maybe I was overreacting, because Mr. Kerr did not seem to be overly wrought. But he was impressed. He said, "Well, I will do that."

I went down that weekend to my district, as I do every time the House is not in session. On Monday we had Memorial Day. I was going to come back the next day at noon. When on that Tuesday at about 8:30 in the morning I get a phone call from the editor of one of the papers. He says, "Henry, I am glad I caught you. Do you know that Judge Wood has just been shot?"

I said, "What?"

He said, "Yes; he was getting into his car leaving his dwelling at this apartment complex," again in this suburb where the assistant district attorney lived, "and he was fired upon."

I said, "Well, was he hurt?"

He said, "Oh, he was killed, and we wanted you to know. We are on our way. But the report just came through. We have been quite amazed that you would have been so concerned."

I said, "Well, I just can't tell you how I feel. I feel terrible."

So then I came and took the floor and kept on talking. In the meanwhile, there were no leads. I then tried to get a resolution. First I tried to get the President to set aside up to $1 million for the FBI to have as reward money for any information. My theory was, and I think I turned out to be somewhat correct, that whoever made that hit was not only professional, but had spent a long time in figuring out that complex and must have had access to blueprints and everything else and knew exactly where to be and where to shoot.

□ 1600

He did not fire a half a dozen shots at all. One did it. Police could not find a rifle. They could not find clues. They could not find anything. No witnesses.

And I came forth and said, we can at least flush out the people that for $1 million will throw out this lower echelon hitman or you can get the middle. The top dog, that is going to be hard. There are a lot of connections up there. And it will be tough, but if you can get that amount of money, it is not going to take $50,000 or $100,000, but you get a million.

So, finally, I introduced a resolution to provide $3 million, because I could not get any favorable agreement to that. And I was resisted and got nowhere with it. So then I kept talking.

Soon months passed and it looked like the John W. Wood case would die, as I said then, like Jimmy Hoffa. And I said, as long as I have breath, I will not cease from concentrating on this.

Well, finally, I forget how many months, it was almost a year, I went home on a Friday. And I was there at the house when at about 4 or 5 p.m., the phone rang. And it was Judge Webster, the Director of the FBI at that time.

And he said:

Congressman, I am calling you because in about 2 hours we are going to have a press release announcing the first four indictments on the John Wood case. And I was calling you to thank you, because had it not been for your efforts that enabled us to have such things as a task force, which we had difficulty, but with you raising your voice day after day, week after week, month after month, we want you to know that we give you credit and we want to thank you for it. And that is the reason I am calling you. Now, it is confidential until we have this release in about an hour or two.

I forget whether he said 1 hour or 2 hours.

Well, that, to me, was all the reward I would ever hope to get. But as it turned out, they finally had an arrest and a conviction. They had the presumed hitman. Apparently, his background showed he was a pro. They had what I would say might be middle, but I do not know that the real, real powers behind that fated attempt to intimidate.

As I pointed out time after time, besides the assassination of President Kennedy, this is the assassination not only of this century but of any time in the history of the Federal judiciary. You never have a Federal judge assassinated. And we cannot tolerate to have that. You cannot have anybody, even if in the long run unsuccessfully, in the short run, over a period of time having any part of our judiciary, our law enforcement body, under the intimidation of a powerful but insidious and destructive element in our society.

So then, in the middle of this and right before these developments with the Federal attorney, I received definite information about a heavy volume of money coming across the border at will and that they were beginning to be used in some sort of a takeover of some S&L's. So I then tried to get the chairman of the subcommittee that has jurisdiction, and there was resistance.

I went to the then full committee chairman and he was not about to have any hearings in San Antonio.

So then I got desperate, and I told the chairman of the subcommittee that had absolute jurisdiction on supervision and so forth of financial institutions, I said:

I tell you, I am so concerned that if you don't do it, and I am respectful of the line of channels of jurisdiction, I am not a member of your subcommittee, I want to respect it, but if you don't do it, then I am going to do it in the name of the Subcommittee on International Finance.

Because there was no law, at that time, and it was not until 1978, 3 years after 1975, there was no law governing international banking. Can you believe this? I could not, when I first ascertained that.

We then, finally, under the pressure in the spring of 1975, had 2-day hearings. As a result of those 2-day hearings, we had two indictments and convictions. One of the S&L's south of my city went under, when it was revealed how it had been milked.

There was a bank that had become exposed but survived at that time, but

what concerned me more, after the hearings, was that during the course of the testimony, surfacing to our evidence were individuals from Louisiana and other places that were just as mysterious and questionable as anybody could be.

Well, it turned out that was a forerunner of exactly what happened to us back 3 years ago when we were so agitated by the S&L crisis, as it was labeled.

The pattern was clearly visible since then.

One of the individuals whose name surfaced just 3 years ago was exposed as one of the big manipulators, and he was convicted. But mind you, we first knew of that activity since 1975.

I came back after the hearings in April 1975, and I asked the chairman, "There is no law. I am having the legislative service and counsel help me prepare at least something that I would consider minimal."

He did not seem to be interested. So I went on ahead and did it on my own. I introduced it. I could not get any hearings from the proper committees. So we went out that Congress, came back the next; same thing.

Then when we came back at the beginning of the 1977 Congress, I stirred up a little comment and finally the chairman called me in and he said, in the last session of that Congress in 1978, "Look, we think that the bill you have is too strong. The Federal Reserve Board won't give us a clearance on it and all of that. So we are going to have to water it down."

Well, they did. And it provided the first banking act known as the 1978 International Banking Act. But it was so watered down that I kept going, 1979, 1980, 1981, 1982, 1983, 1984, and it was not until we had the drug money laundering cash scandals that we got the first amendment, and that was a weak, a very weak one.

Then, finally, last year, we strengthened the so-called drug money laundering laws a little bit more. But in the meanwhile, as I have said here, just in the last few speeches I have made, you have the potential for many more BNL's, BCCI's, and only the Lord in heaven, with the advent of this huge speculative worldwide, unregulated worldwide, there is no government that has jurisdiction, even partially, on a trillion dollars, moving as fast as an instantaneous electronic signal can conduct, and speculating on an hour-to-hour, day-to-day basis on what is known as the International Currency Exchange or values, futures market.

□ 1610

This is what I fear is going to sink us, and not just us, the world.

I have been blessed, or I guess I could say it is a blessing, and there are some who would say, "Well, you don't want to remember everything," but I have a good memory and I can remember after World War I, and why I would be interested in that, I do not know, but I can remember some of the writers who were speaking about why the bubble burst, Wall Street, the stock market. That was the symptom of something else that had been happening.

What was the something else? As I recall reading, and then through the years as I go back and reread, and in fact, I still have those publications, and do not ask me why I kept them since I was 15 years old, but I did, if we just change the names of the countries, the particulars, and instead of stock exchanges, we substitute what we have today in these highly speculative international currency exchange futures, we have the same thing.

Even with respect to what happened after World War I, and I remember it as if it were today, I had been working for this German druggist since I was 10 years old, because I started working when I was 10 years old, and there has not been a year since then until now, and I am 76, that I have not worked at something or another, depression or no depression.

I remember working for this German druggist. I remember him as if it were today. He was a very unusual man. One day he was talking about how he had just made, I forget how many dollars, $500, but it was a lot of money in that day and time, and I am talking about a day and time when we were supposed to have prosperity, but gee, if we got 10 cents an hour that was not bad.

At that time you could buy a loaf of bread for a nickel, you could buy a pint of milk for a nickel, and it was another world. There is no use evoking it, I am just using this by comparison to say in how many ways things change but still stay the same, in so many ways. For us to make the same mistakes we made seems to me to be ironic and actually unforgivable.

What Mr. Von Helms was talking about was how he had made a killing by going to the bank and going into the stock market. I remember vividly, it was the month of May, 1929. When the big thing that we read about in history about the big fall in October 1929, the big bust occurred, it was not preceptible right away, any more than the 1987 precipitous decline of the market, also in October of 1987, was immediately visible.

I said recently what I remembered, and that was that we did not feel the impact of all of that until 2 or 3 years later. Sure enough, 2 years later almost to the day but in the month of October, 1931, Mr. Von Helms, the druggist, was foreclosed on and the bank that he banked in, the City Central Bank, went broke.

Let me tell the Members what kind of world it was. I was 12, I was 13, I was 14, and then when I became 15 was when he went broke. Every week he would get a little paper sack, he would put the week's receipts in cash with a deposit slip, he would give it to me. I would get on the bicycle and I would pedal about 4 miles downtown, go to the bank, park my bicycle outside, go up to the teller, he would get it, stamp the receipt, and that was it. Nobody would ever think that anybody would bother me in any way, yet I would have as much as $1,100, $1,200, sometimes $1,400 in that sack. Yet he was foreclosed on; just 2 years before, prosperity unbounded, forever and a day.

As a matter of fact, in reading the history of that period, it was May, 1929, that a blue-ribbon commission set up by President Hoover to report on the economic future of the United States said, "We see an unlimited prosperous Nation for the foreseeable future." That was May 1929.

Then when I read what the banks were doing, the banks could then borrow from the Fed, and this sounds like a lot of highfalutin language, but if we understand what the system is then it is not so complicated. The Federal Reserve Board, which is really not a Federal agency, though it was created by the Congress, is really a creature of the commercial banking system, the commercial banks.

It is the Federal Reserve Board that prints the money now. There is not a note or a bill, whatever we want to call it, in our pockets that does not say "Federal Reserve Note." It was not always that way. In fact, I remember more often than not when it was a U.S. Treasury note. There are a lot of reasons that I will not go into for that, but that is one of the causes why we are in the mess that we are in.

I remember the moratorium. Germany said, "You just cannot wring blood out of a turnip. We cannot pay the reparations you have imposed on us." I remember in the old Liberty magazine that I sold during the depression, and I used to go sell it, together with a couple of other magazines: The American magazine at that time, the Cosmopolitan, the Ladies Home Journal—I sold all of those. I did everything you could imagine, but I did something.

I remember reading the article and seeing the features of emaciated, pale-looking German mothers with little kids in line and the caption said, "German mothers waiting for milk." Then there is a picture I have been trying to locate, but I guess I lost it in one of those same publications, and it shows a whole row of men with their head on what looks like an iron rail, and it said, "German homeless men in a railroad station sleeping." That was 1932.

Then we began to see, like we did in 1982, the so-called homeless. I would meet and see 15-year-olds, 14, 13, my same-age kids, just traveling all over the Nation riding the rails. I would run into them at what we call San Pedro

Park. I do not know why, with all the guys playing there, I would be the one they would seek out. I got to know some, and they were just wandering the country.

□ 1620

It was hundreds of thousands and adult men that were called hobos, but actually they were not what later we were accustomed to call the drifter.

So in 1982, 1½ years after I had become chairman of the Subcommittee on Housing, I began to see a different kind of homeless. This time it was mother, father, maybe a child, maybe two, living in a car at a park, or underneath an underpass, and then an individual freezing to death here in the District of Columbia in that early autumn of 1982. And then a couple in New York, and then even back in the so-called Sun Belt, down in my part of the country, I had emergency cases. And I had to intervene with the housing authority because the Salvation Army did not have any room for the family context or over a 1-night stay even for male single adults. So I managed to get a father and a mother and one child, who had parked and were trying to live in their car in one of the west side parks, I got them emergency housing, thanks to the sensitivity of the public housing director.

So I then caused to be held the first hearing, and as a consequence brought the first national attention to what we now call homelessness. But what everybody forgets is we never had it like that since the depression. It is just like lists of money in the financial setup when the Germans said we cannot pay the reparations to the French and the British, and then the French and the British said well, Uncle Sam, we cannot pay you the war debts that we owe you, the money that we have borrowed from you, because, as I have single-mindedly brought up time after time going back to 26 years ago here on the House floor, our country was the only creditor nation in World War I and in World War II. We began as a creditor nation in the year 1914, and we did not become a debtor nation again until September 16, 1985, my colleagues. Put that date down in your notebook, because when that happened that meant the American hegemony was beginning to dwindle, if not fade out. And today, less than 7 years after, we are the greatest debtor nation in the world. And we want to delude ourselves into thinking we are the strongest, and the only, what do they call it, unipolar power. It is a delusion. It is a delusion.

We became a debtor nation again when the Department of Commerce announced it, very unnoticed, yes, but it announced it September 16, 1985.

In the meanwhile we have kind of worked in a decentralizing, sort of centrifugally, where say Europe, not to speak of Japan, but Europe has been working toward a unification. I was the only one in this Congress that even mentioned EMS [the European Monetary System] or the ECU [the European Currency Unit].

In August of 1979, I brought out what to me was the most disturbing thing of all, and that was that the principal banks in the United States, in a matter of a year and a half or less, had loaned out in 1½ years, they went from $3 billion to over $47 billion to so-called lesser developed nations, governments, that I knew could not pay them back.

I will windup by saying this is where we really are today, plus the fact that we had allowed our domestic systems, such as the deposit insurance system to become so corrupted, and so out of purpose, certainly from congressional intent, that to me it is the most serious problem confronting us. And yet, we do not find the perception, and I cannot around a perception. I have tried for 3 years.

Let me just conclude by saying that it is simple arithmetic. You do not have to be a mathematician to figure this out. Right now there is in excess of $4 trillion in commercial bank deposits that are insured, just in commercial banks, and they are insured deposits. Uncle Sam says if you have up to $100,000 you are insured. But the average depositor is one who has less than $9,000 in that bank.

Where is all of that other money, where is it from? Up until recently when we tried to partially stop it, last year the regulators had been paying out the uninsured, those that had more than $100,000, some couple a couple of million.

Now we have 4 trillion dollars' worth, plus, of insured deposits just in the commercial banks, and we have an insolvent, a broke insurance fund, which is what we have in our country. The bank insurance fund is broke. It is insolvent.

What do you have? An insurance system or an illusion?

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.

CONTINUED NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-46)

The SPEAKER pro tempore (Mr. THORNTON) 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 Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since the last report of August 3, 1992, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12772 of August 2, 1990. This report is submitted pursuant to sections 401(c) of the National Emergencies Act ("NEA"), 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act "(IEEPA"), 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a U.S. person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. U.S. persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders Nos. 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1992, through February 1, 1993.

1. On October 21, 1992, President Bush issued Executive Order No. 12817, implementing the United States measures adopted in United Nations Security Council Resolution ("UNSCR") No. 778 of October 2, 1992. UNSCR No. 778 requires U.N. member states temporarily to transfer to a U.N. escrow account up to $200 million apiece in Iraqi oil proceeds paid by the purchaser after the imposition of U.N. sanctions on Iraq. These funds finance Iraq's obligations for U.N. activities with respect to Iraq, including expenses to verify Iraqi weapons destruction and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds will also fund the activities of the U.N. Compensation Commission in Geneva, which will handle claims from victims of the Iraqi invasion of Kuwait. The funds placed in the escrow account are to be returned, with interest, to the member states that transferred them to the U.N., as

funds are received from future sales of Iraqi oil authorized by the United Nations Security Council. No member state is required to fund more than half of the total contributions to the escrow account.

Executive Order No. 12817 authorized the Secretary of the Treasury (the "Secretary") to identify the proceeds of the sale of Iraqi petroleum or petroleum products paid for by or on behalf of the purchaser on or after August 6, 1990, and directed United States financial institutions holding such funds to transfer them to the Federal Reserve Bank of New York ("FRBNY") in the manner required by the Secretary. Executive Order No. 12817 further directs the FRBNY to receive, hold, and transfer funds in which the Government of Iraq has an interest at the direction of the Secretary to fulfill U.S. rights and obligations pursuant to UNSCR No. 778.

2. The economic sanctions imposed on Iraq by the Executive order are administered by the Treasury Department's Office of Foreign Assets Control ("FAC") pursuant to the Iraqi Sanctions Regulations, 31 CFR Part 575 ("ISR"). The ISR were amended on September 1, 1992, to revoke section 575.603, which had required U.S. financial institutions to file monthly reports regarding certain bank accounts in which the Government of Iraq has an interest. While this information was needed during the early implementation of the regulations and for a period thereafter, it is no longer required on a monthly basis and can be obtained by FAC on a case-by-case basis as required. The amendment is in harmony with President Bush's Regulatory Initiative.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. These are intended to deter future activities in violation of the sanctions. Additional civil penalty notices were prepared during the reporting period for violations of the IEEPA and ISR with respect to transactions involving Iraq. Penalties were collected, principally from financial institutions which engaged in unauthorized, albeit apparently inadvertent, transactions with respect to Iraq.

4. Investigation also continues into the roles played by various individuals and firms outside Iraq in Saddam Hussein's procurement network. These investigations may lead to additions to the FAC listing of individuals and organizations determined to be Specially Designated Nations ("SDNs") of the Government of Iraq.

5. Pursuant to Executive Order No. 12817 implementing UNSCR No. 778, on October 26, 1992, FAC directed the FRBNY to establish a blocked account for receipt of certain post-August 6, 1990, Iraqi oil sales proceeds, and to hold, invest, and transfer these funds as required by the order. On the same date, FAC directed the eight United States financial institutions holding the affected oil proceeds, on allocated, pro rata basis, to transfer a total of $200 million of these blocked Iraqi assets to the FRBNY account. On December 15, 1992, following the payment of $20 million by the Government of Kuwait and $30 million by the Government of Saudi Arabia to a special United Nations-controlled account, entitled UNSCR No. 778 Escrow Account, the FRBNY was directed to transfer a corresponding amount of $50 million from the blocked account it holds to the United Nations-controlled account. Future transfers from the blocked FRBNY account will be made on a matching basis up to the $200 million for which the United States is potentially obligated pursuant to UNSCR No. 778.

6. Since the last report, one case filed against the Government of Iraq has gone to judgment. *Consarc Corporation v. Iraqi Ministry of Industry and Minerals et al.*, No. 90-2269 (D.D.C., filed December 29, 1992), arose out of a contract for the sale of furnaces by plaintiff to the Iraqi Ministry of Industry and Minerals ("MIM"), an Iraqi governmental entity. In connection with the contract, the Iraqi defendants opened an irrevocable letter of credit with an Iraqi bank in favor of Consarc, which was advised by Pittsburgh National Bank ("PNB"), with the Bank of New York ("BoNY") entering into a confirmed reimbursement agreement with the advising bank. Funds were set aside at BoNY in an account of the Iraqi bank, for reimbursement of BoNY if PNB made a payment to Consarc on the letter of credit and sought reimbursement from BoNY. Consarc received a down payment from the Iraqi MIM and manufactured the furnaces. No goods were shipped prior to imposition of sanctions on August 2, 1990, and the United States claimed that the funds on deposit in the Iraqi bank account at BoNY were blocked, as well as the furnaces manufactured for the Iraqi Government or the proceeds of the sale of the furnaces to third parties. The district court ruled that the furnaces or their sales proceeds were properly blocked pursuant to the declaration of the national emergency and blocking of Iraqi Government property interests, but that, due to fraud on MIM's part in concluding the sales contract, the funds on deposit in an Iraqi bank account at BoNY were not the property of the Government of Iraq, and ordered FAC to unblock these funds. FAC has noted its appeal of this ruling.

7. FAC has issued a total of 337 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Since the last report, 49 specific licenses have been issued. Licenses were issued for transactions such as the filing of legal actions involving Iraqi interests, for legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes.

To ensure compliance with the terms of the licenses which have been issued, stringent reporting requirements have been imposed that are closely monitored. Licensed accounts are regularly audited by FAC compliance personnel and deputized auditors from other regulatory agencies. FAC compliance personnel continue to work closely with both State and Federal bank regulatory and law enforcement agencies in conducting special audits of Iraqi accounts subject to the ISR.

8. The expenses incurred by the Federal Government in the 6-month period from August 2, 1992, through February 1, 1993, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are estimated at about $2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near East and South Asian Affairs, the Bureau of International Organizations, and the Office of the Legal Adviser), the Department of Transportation (particularly the U.S. Coast Guard), and the Department of Commerce (particularly in the Bureau of Export Administration and the Office of the General Counsel.)

9. The United States imposed economic sanctions on Iraq in response to Iraq's invasion and illegal occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions, including those calling for the elimination of Iraqi weapons of mass destruction, the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction (WMD) capabilities, and the return of Kuwaiti assets stolen during its illegal occupation of Kuwait. The U.N. sanctions remain in place; the United States will continue to enforce those sanctions.

The Saddam Hussein regime continued to violate basic human rights by repressing the Iraqi civilian population and depriving it of humanitarian assistance. The United Nations Security

Council passed resolutions that permit Iraq to sell $1.6 billion of oil under U.N. auspices to fund the provision of food, medicine, and other humanitarian supplies to the people of Iraq. Under the U.N. resolutions, the equitable distribution within Iraq of this assistance would be supervised and monitored by the United Nations. The Iraqi regime continued to refuse to accept these resolutions and has thereby chosen to perpetuate the suffering of its civilian population.

The regime of Saddam Hussein continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. Because of Iraq's failure to comply fully with United Nations Security Council resolutions, the United States will therefore continue to apply economic sanctions to deter Iraq from threatening peace and stability in the region, and I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

The White House, *February 16, 1993.*

APPOINTMENT AS MEMBERS OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93-191, the Chair, on behalf of the Speaker, appoints as members of the House Commission on Congressional Mailing Standards the following members of the House: Mr. CLAY of Missouri, chairman; and Mr. MYERS Indiana.

There was no objection.

□ 1630

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 670, FAMILY PLANNING AMENDMENTS ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-15) on the resolution (H. Res. 81) providing for the consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE SAVAGERY IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, there are times we have to examine unflinching the savagery in human hearts, and nowhere is this more urgently needed than in Bosnia.

The facts are neither obscure nor complicated.

After all, what is obscure or complicated about the 12-year-old girl described in a recent Newsweek?

She was evicted from her village last August. During the first night in a detention camp two soldiers pitched her out, took her to an empty apartment and raped her.

They did this for 9 nights in a row, once with her mother and another inmate. When the Serb soldiers were through with her they exchanged her for some Serbian prisoners and she now lives in a refugee center near Sarajevo.

Her father? He was beaten and dragged off to another prison camp. Nobody has heard from him since.

Is this an isolated case?

Absolutely not. For almost a year we have heard the stories of torture and murder coming from Bosnia, all in the name of ethnic cleansing, the latest sickening euphemism for genocide.

Now we have been provided evidence that the Serbs are systematically raping Moslem women—the estimates range from 30,000 to 50,000 rapes in the last few months.

Let me put this in a little broader framework.

In the last year, Moslems have been subjected to nothing less than persecution in a number of places around the world.

I include in this the recent deportation of Palestinian refugees from Israel.

And rivalling the Bosnian example, I include the atrocities committed against Muslims by the Hindu extremists in India.

Here, too, the evidence is hardly obscure.

Let me quote from a recent New York Times article, datelined Bombay:

> Nazira Khatoon rocked slowly back and forth on a dirty mat. A stream of tears glistened on her face as she recounted how a mob broke into her house in a Bombay shantytown and seized her son as the police looked on and did nothing.
>
> I said, "Don't do anything to my son," she recalled. "He was married just two days before. The mob of 250 came. They were with swords and stones, and they pushed me into the bathroom. They took all my property and killed my son in front of me. The police just stood there watching."

Again: an isolated example?

Hardly.

For 9 days in January, Hindu mobs roamed Bombay, killing and burning Muslims in what the Times apply called an "orgy of violence."

Six hundred Moslems were killed. Moreover, its now clear that the Indian police were ordered to allow this savagery to continue.

Mr. Speaker, America is not a Moslem country. But it is a fundamental cornerstone of our beliefs that when we see such butchery we cannot turn our backs.

Yes, there is room for measured thought about how we calibrate America's response.

But there should be room for sheer outrage, too.

And when it comes to Bosnia, that outrage should help influence our response.

Now, I know for some, Bosnia is a word in a headline.

Let me provide some background.

What exactly is Bosnia?

It is a patchwork of 4.4 million people, 44 percent Slavic Moslems, 31 percent Serbs, and 16 percent Croats.

Since fighting erupted last April, the Bosnian Serb militia has seized about two-thirds of Bosnia in a brutal war that has left as many as 100,000 dead and over 1½ million homeless.

A number of cease-fires and peace plans have failed to end the fighting. The United Nations is providing some relief to Sarajevo and other besieged cities. But conditions remain bleak. And there is a lot of pressure for international military intervention.

The situation is complicated by the brutal repression of ethnic Albanians in Kosova, another province of Serbia.

They have been subjected to political imprisonment, torture and killings. Albanian-language journalists and schools have been repressed.

I don't want to make it seem like this just happened—that there was some spontaneous welling up of hatred among the Serbs. Oh, yes, the Serbs have leaders.

I haven't found much to agree on with Lawrence Eagleburger. But I certainly agree with his call for a war-crimes trial with the chief architects of this policy—the despicable Serbian President Slobodan Milosevic, and the political and military leaders of the Bosnian Serbs, Radovan Karadzic, and Ratko Mladic.

Why not send American forces to Bosnia the way we did to Somalia?

The difficulties are obvious. This is not a flat country with a few maurauding gangs, easily cowed.

"There are perhaps 200,000 armed men in Bosnia," said the British military historian, John Keegan, suggesting the need for a half-million troops to disarm them.

Meanwhile, there have been those who have tried to find solutions.

Lord Owen and Cyrus Vance have formulated a peace plan in which Bosnia would be divided into 10 largely autonomous republics. All Americans know Cyrus Vance as a skilled and principled diplomat. Yet this is a plan which, simply put, rewards Serbian aggression of the most brutal sort.

That's why last week Secretary Christopher outlined the administration's plan on Bosnia.

There are six steps:

First, appoint a special U.S. envoy, Reginald Bartholomew to work with Cyrus Vance and Lord Owen.

Second, stress that negotiations are the key to settlement, that it can't be imposed on the Serbs.

Third, tighten the enforcement of economic sanctions.

Fourth, call for a halt in the fighting, enforcing the no-fly zone, ensuring the flow of humanitarian aid, and creating a richly deserved war crimes tribunal.

Fifth, prepare to enforce an agreement with an international armed force.

Sixth, coordinate efforts with allies, particularly Russia.

Is this enough?

Well, it's certainly a good step. It shows our active involvement with Bosnia. I am particularly happy that the Secretary specifically warned against Serbian incursions in Kosova.

But there are many questions.

How agressively will we enforce the no-fly zone?

How tough are we going to be with economic sanctions?

How vigorous will we be in helping with humanitarian aid?

And there is one crucial point:

Why not lift the arms embargo to allow Bosnian Muslims to defend themselves?

Don't we really want to encourage negotiation? Isn't compromise the essence of negotiation?

Well, right now the Serbs have an enormous military advantage. What is their incentive to compromise?

Not much. Only if the Bosnians came to the table on a more equal footing would they compromise.

That's why I have cosponsored House Concurrent Resolution 24.

It calls for a lifting of the arms embargo.

It calls for strict enforcement of the no-fly zone over Bosnia.

And it also calls for the acceptance of Bosnian refugees into the United States.

Why not? Was there ever a case where refugees were more clearly the result of political oppression?

The novelist Arthur Koestler once wrote that "statistics don't bleed."

In thinking about America's response, we must remember people like Borislav Herak.

A 21-year-old Serb laborer from Sarajevo, Herak admits to raping seven Moslem women and to killing two of his victims. "We were ordered to rape so that our morale would be higher," he says. "We were told we would fight better if we raped the women."

And he describes a rape camp outside Sarajevo populated by 70 Moslem women and girls.

"Those who were killed," the reporter writes, "were quickly replaced."

Mr. Speaker, does international law mean anything? Since 1907 it has prohibited attacks on undefended civilian targets. The Geneva Convention of 1929 and 1949 prohibits "outrages against personal dignity."

Isn't a rape camp an outrage? Isn't using rape as a morale booster an outrage?

We must be stronger in our condemnation of the systematic rape of Moslem women. We must create an international tribunal to prosecute these crimes against humanity.

Mr. Speaker, I think of the remark attributed to the German pastor Martin Niemoller, writing about the 1930's.

When Hitler attacked the Jews, I was not a Jew, therefore, I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic, and therefore, I was not concerned. And when Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then Hitler attacked me and the Protestant church—and there was nobody left to be concerned.

If we have learned anything from history, it is to unite in the face of genocide.

It is being practiced today. It is being practiced in Bombay. It is being practiced in Bosnia.

Two hundred years ago, another principled thinker, Edmund Burke, wrote the sheriffs of Bristol: "A conscientious man would be cautious how he dealt in blood."

I applaud the determination of the new administration to be engaged when it comes to Bosnia. I ask them to support lifting the arms embargo.

Yes, there are risks.

But right now the defenseless Bosnians have taken all the risks for themselves. And they pay, each day and night, in tears and in blood.

□ 1640

Mr. Speaker, there are times we have to examine unflinchingly the savagery of the human heart, and I think examining it in Bosnia today, in Bombay, it is important for all of us who would stand by those who believe in freedom and justice and the dignity of the person.

I urge my colleagues and I urge the administration to forcefully pursue and actively engage themselves in making sure that this type of outrage against humanity is condemned and brought to an end in Bosnia.

RULES OF PROCEDURE FOR THE COMMITTEE ON AGRICULTURE FOR THE 103D CONGRESS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to rule XI, clause 2(a) of the rules of the House, a copy of the rules of the Committee on Agriculture, which were adopted at the organizational meeting of the committee on January 7, 1993. The rules were agreed to by a unanimous voice vote.

Appendix A of the committee's rules, prescribing the form of a proxy required by the rules, is included in this submission. Appendix B of the committee rules includes excerpts from the rules of the house revelant to the operation of the committee. Appendix C includes relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, appendices B and C are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE

I. GENERAL PROVISIONS

a. Rules of the U.S. House of Representatives.—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. (See Appendix B for the applicable Rules of the U.S. House of Representatives.)

b. Applicability to Subcommittees.—The following rules shall apply to meetings, hearings, and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. Regular and Additional Meetings.—The Committee shall meet on the first Tuesday of each month while Congress is in session. The Committee also shall meet at the call of the Chairman at such other times as the Chairman considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by the Chairman need not be held, the Chairman shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI. e. for provisions which apply to meetings of Subcommittees.

b. Special Meetings.—If at least three members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure or matter, the Staff Director shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure or matter. If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Staff Director shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure or matter. Only the measure or matter so specified in the meeting notice as filed by the majority

of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. Vice Chairman.—The member of the majority party on the Committee ranking immediately after the Chairman of the Committee shall be the Vice Chairman of the Committee, and the member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of that Subcommittee.

d. Presiding Member.—If the Chairman is not present at any Committee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking member of the majority party on the Committee who is present shall preside. If the Chairman is not present at any Subcommittee meeting or hearing, the Vice Chairman or, in the absence of the Vice Chairman, the ranking member of the majority party who is present shall preside.

e. Open Business Meetings.—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public. This clause does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

f. Records and Roll Calls.—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a roll call is demanded. A roll call vote shall be ordered on demand by one-fifth of the members present. The record of such action and the results of the roll call votes during each session of Congress shall be made available by the Committee, on request, for public inspection during regular office hours in the Committee offices and on telephone request. The information so available on roll call votes shall include a brief description of the amendment, motion, order, or other proposition; the name of each member voting for and each member voting against such amendment, motion, order, or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and thereafter may be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, other than roll call votes, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee. See Rule IV. f. for publication of the minutes of meetings.

g. Quorums.—A majority of the members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided*, That the Chairman of the Committee may determine that one-third of the members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if the Chairman gives written notice to that effect to the members prior to the meeting.

h. Proxy Voting.—A member may vote by proxy on any matter before the Committee or Subcommittee other than the issuance of a subpoena pursuant to Rule III. c. The proxy authorization shall be in writing, shall assert that the member is absent on official business or otherwise is unable to be present at the Committee or Subcommittee meeting, shall designate the member who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. (See Appendix A for the proxy form required by the Committee or Subcommittee.) In order to be cast in a vote, a proxy shall be filed with the Committee or Subcommittee during such vote and must be placed on file with the Staff Director. Proxies shall not be counted toward a quorum.

i. Location of Persons at Meetings.—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area during a meeting of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

j. Consideration of Amendments and Motions.—A member, upon request, may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by the member or another member, or upon any other matter under consideration, unless the member receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any member present, be reduced to writing, and a copy thereof shall be made available to all members present: *Provided*, That such amendment shall remain pending before the Committee or Subcommittee and may not be voted on until the requirements of this section have been met.

k. Points of Order.—No point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. See Rule VI. e. for provisions relating to Subcommittee hearings and meetings.

b. Announcement of Hearings.—The Chairman of the Committee or Subcommittee shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee or the Chairman of the Committee or Subcommittee, after consultation with the Ranking Minority Member of the Committee or Subcommittee, as applicable, determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Staff Director shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made and enter the announcement into the Committee scheduling service of the House Information Systems.

c. Power to Subpoena.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a roll call vote of the majority of the members of the Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other member the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all members of the full Committee by 5 p.m. of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. Scheduling of Hearings and Witnesses.—Except as otherwise provided in this clause, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee on any measure or matter, the Committee's or Subcommittee's minority party members shall be entitled, on request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of the hearing.

e. Witnesses' Statements in Advance.—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Staff Director a written statement of the witness's prepared testimony at least two working days in advance of the witness's appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee members, staff, and the news media. The Committee or Subcommittee staff shall distribute such written statements to all members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. Testimony of Witnesses.—The Chairman of the Committee or Subcommittee or any member designated by the Chairman may ad-

minister an oath to any witness. Each witness who has been subpoenaed, on the completion of the witness's testimony, may report in person or in writing to the Staff Director and sign appropriate vouchers for travel allowances and attendance fees. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the testimony and the length of time available.

g. Questioning of Witnesses.—Committee or Subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than members and Committee or Subcommittee staff.

h. Open Hearings.—Each hearing conducted by the Committee or Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided*, That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule III. k. or (2) may vote to close the hearing, as provided in Rule III. k. In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. Quorum.—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. Record of Hearing.—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any member or witness if the Chairman determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff the Chairman designates, and the Chairman of the Committee or Subcommittee or the Chairman's designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. Investigative Hearings.—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of Clause 2 of Rule XI of the House Rules, regarding investigative hearing procedures, a copy of which appears in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III. h., if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; or

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or Subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee or Subcommittee shall afford such person any opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided above, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. Broadcasting and Photography.—Television, film making, and live radio broadcasting of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agrees or, if the Committee cannot be polled in a timely manner, when approved by the Chairman of the Committee after consultation with the Ranking Minority Member. Except as otherwise determined by the Committee, television, film making, and live radio broadcasting of all or part of any Subcommittee hearing or meeting shall be permitted only when the Subcommittee by a majority vote agrees or, if the Subcommittee cannot be polled in a timely manner, when approved by the Chairman of the Committee or the Chairman of the Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee. Radio broadcasting that is not live and still photography are permitted of any Committee or Subcommittee meeting or hearing unless otherwise determined by the Chairman of the Committee or applicable Subcommittee after consultation with the Ranking Minority Member of the Committee or Subcommittee: *Provided*, That when such radio broadcasting is conducted, written notice to that effect shall be placed on the desk of each Member. Each Committee or Subcommittee Chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room. Any broadcasting electronic recording, film making, or still photography of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI, clause 3(f), which appear in Appendix B.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

b. Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the roll call vote on the motion to report such bill or resolution, including the total number of votes cast for and total number of votes cast against such reporting;

(4) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing

appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year or reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency (the provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(b) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. Supplemental, Minority, or Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee on that measure or matter shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) on paragraph (1)(3) of House Rule XI, clause 2) are included as part of the report.

This clause shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this clause or the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

d. Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House.

e. Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

f. Publication of Minutes.—The Chairman of the Committee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a semiannual basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees; and such minutes shall include a record of the attendance of members, all recorded votes, and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

b. Budget Act Compliance: Views and Estimates (See Appendix C).—The Committee shall, within 6 weeks after the President submits a budget under section 1105(a) of title 31, United States Code, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

c. Budget Act Compliance: Subdivision of Allocations (See Appendix C).—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 602 of the Congressional Budget Act of 1974.

d. Budget Act Compliance: Recommended Changes (See Appendix C).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members of the majority party as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. Committee Records.—All Committee or Subcommittee hearing materials, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all Members of the House having access thereto. The Staff Director shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

g. Archiving of Committee Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority member of any decisions, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

VI. SUBCOMMITTEES

a. Number and Composition.—There shall be such Subcommittees as specified in clause b. of this rule. Each of such Subcommittees shall be composed of the number of members set forth in such clause b., including ex officio members.[1] The Chairman may create additional Subcommittees of an ad hoc nature as the Chairman determines to be appropriate.

b. Jurisdiction.—The Subcommittees shall have the following general jurisdiction and number of members.

Commodity subcommittees

General Farm Commodities (26 members, 16 majority and 10 minority).—Wheat, feed grains, soybeans, oilseeds not otherwise assigned, cotton, cottonseed, rice, dry beans, peas, and lentils, generally.

Livestock (18 members, 11 majority and 7 minority).—Livestock (including aquaculture), dairy, poultry, and animal welfare, generally.

Specialty Crops and Natural Resources (22 members, 14 majority and 8 minority).—To-

[1] The Chairman and Ranking Minority Member of the Committee (See clause d. of this Rule).

bacco, peanuts, sugar, bees (honey), forestry, domestic marketing, and marketing orders, generally.

Operational subcommittees

Department Operations and Nutrition (24 members, 15 majority and 9 minority).—Agency review and analysis, research, pesticides, food safety, nutrition, food stamps, and consumer programs, generally.

Environment, Credit and Rural Development (27 members, 17 majority and 10 minority).—Water and soil conservation, small watershed program, agricultural credit, commodity futures, rural development, family farming, and energy matters, generally.

Foreign Agriculture and Hunger (15 members, 9 majority and 6 minority).—Foreign agricultural programs, hunger, oversight not otherwise assigned, and special investigations, generally.

c. Referral of Legislation.—In the case of any measure or matter not specifically described above, or that includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittees), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by the Chairman for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to all Subcommittees of appropriate jurisdiction within two weeks unless, by majority vote of the members of the Committee, consideration is to be by the Committee.

d. Service on Subcommittees.—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the Committee may have the privilege of sitting with any Subcommittee during its hearing or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. Subcommittee Hearings and Meetings.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Staff Director. No Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee. If a vacancy should occur in a Subcommittee chairmanship, the Chairman of the Committee may set the dates for hearings and meetings of the Subcommittee during the period between the date of vacancy and the date the vacancy is filled. The provisions of Rule II. a. regarding notice and agenda of Committee meetings and of Rule II. b. regarding special meetings shall apply as well to Subcommittee meetings.

f. Subcommittee Action.—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Staff Director shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. Subcommittee Investigations.—No investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. Committee Budget.—The Chairman, in consultation with the majority members of the Committee, shall for each session of the Congress prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and Subcommittees thereof. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

b. Committee Staff.—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their request through the Chairman or Ranking Minority Member. The Chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. Committee Travel.—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions., No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purposes; and the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in the categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

APPENDIX A

Proxy

Because I will be absent on official business or otherwise unable to be present, I hereby designate the Honorable ———— to cast my votes as hereinafter indicated on the following bill, resolution, or matter:

H.R. ————.

S. ————.

Other ————.

The proxy may be used on the following days: ————.

My votes shall be cast in such manner as the proxy holder deems appropriate, subject to the following limitations (specify): ————.

(Signature) ————.

(Date) ————. (Time) ————.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 103D CONGRESS

(Mr. GLICKMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GLICKMAN. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit herewith a copy of the Rules of Procedure adopted on February 3, 1993, by the Permanent Select Committee on Intelligence for the 103d Congress.

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief

members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken at such portion or portions:

1. Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

2. Will relate solely to matters of committee staff personnel or internal staff management or procedure;

3. Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual except that, at a hearing which may tend to defame, degrade or incriminate any person, the hearing may be closed to the public consistent with clause 2(g)(2) and clause 2(k)(5) of Rule XI of the Rules of the House;

4. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

5. Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

6. Will violate any other law of the United States or any rule of the House of Representatives.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of ten committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts.—A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statements of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing hearings.—A vote to close a committee or subcommittee hearing may not be taken by less than a majority of the committee or the subcommittee pursuant to clause 4 of House Rule XLVIII unless at least one member of the minority is present to vote upon a motion to close the hearing.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of a majority of the subcommittee.

There are hereby established the following subcommittees:

(1) Program and Budget Authorization.

(2) Legislation.

(3) Oversight and Evaluation.

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full com-

mittee, a majority being present; provided, however, that an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee; or

(2) at the written request to the chairman of the full committee of at least five members of the committee,

except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPOENAS

Unless otherwise determined by the committee, the chairman, upon consultation with the ranking minority member, or the committee, shall authorize and issue subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

The appointment of committee staff shall be by the chairman in consultation with the ranking minority member. After confirmation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into such person's possession while a member of the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee, or, in the event of the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by rollcall vote, determines, in a manner consistent with clause 7 of House Rule XLVIII, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

10. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL

(a) Committee staff offices shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

(b) Pursuant to clause (7)(c)(2) of House Rule XLVIII and to clause (2)(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such transcripts, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings or briefings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings or briefings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(c) Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413) and to clauses 3(a) and 7(c)(2) of House Rule XLVIII, the committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions about the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question pursuant to clause 7 of House Rule XLVIII.

(d) Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(e) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in a manner consistent with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

(f) Before any member of the committee or the committee staff may have access to classified information the following oath shall be executed:

I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the committee or the House of Representatives.

Copies of the executed oath shall be retained in the files of the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

15. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

RULES OF PROCEDURE FOR THE COMMITTEE ON MERCHANT MARINE AND FISHERIES FOR THE 103D CONGRESS

(Mr. STUDDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STUDDS. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Merchant Marine and Fisheries for the 103d Congress, which were adopted by the Committee in open meeting on January 7, 1993.

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

RULE I. APPLICABILITY OF HOUSE RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees.

RULE II. JURISDICTION

As established in Rule X of the House Rules, the jurisdiction of the Committee on Merchant Marine and Fisheries is:

(1) Merchant marine generally.

(2) Oceanography and Marine Affairs, including coastal zone management.

(3) Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

(4) Fisheries and wildlife, including research, restoration, refuges, and conservation.

(5) Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

(6) Merchant marine officers and seamen.

(7) Navigation and the laws relating thereto, including pilot-age.

(8) Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

(9) Registering and licensing of vessels and small boats.

(10) Rules and international arrangements to prevent collisions at sea.

(11) United States Coast Guard and Merchant Marine Academies, and State Maritime Academies.

(12) International fishing agreements.

RULE III. FUNCTIONS

(A) *General Oversight Responsibilities.*—

(1) The Committee shall review and study, on a continuing basis:

(a) the application, administration, execution, and effectiveness of those laws, or parts of laws, within its jurisdiction;

(b) the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution of these laws in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated; and

(c) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within its jurisdiction (whether or not any bill or resolution has been introduced with respect thereto).

(2) The Committee shall undertake future research and forecasting on matters within its jurisdiction.

(3) The Committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction.

(B) *Annual Appropriations.*—In its consideration of all public bills and joint resolutions, the Committee shall ensure that appropriations for continuing programs and activities will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(C) *Views and Estimates.*—On or before February 25 of each year or such date as determined by the Committee on the Budget, the Committee shall submit to the Committee on the Budget:

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

RULE IV. SUBCOMMITTEES

(A) *Applicability of Committee Rules.*—Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each of its Subcommittees. Each Subcommittee is a part of the Full Committee and subject to its authority, direction, and Rules.

(B) *Standing Subcommittees.*—There shall be five standing Subcommittees: the Subcommittee on Merchant Marine; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Environment and Natural Resources; the Subcommittee on Fisheries Management; and the Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf.

(C) *Other Panels, Task Forces, Special Subcommittees, or other Subunits.*—The Chairman, or a majority of the Committee, may establish, as determined to be appropriate for the conduct of Committee business, other panels, task forces, special subcommittees, or other subunits to operate for a period not to exceed six months.

(D) *Subcommittee Membership.*—

(1) The ratio of Majority Members to Minority Members on Subcommittees, including Ex Officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(2) A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of a vacancy. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(E) *Ex Officio and Other Committee Members.*—

(1) The Chairman and the Ranking Minority Member of the Full Committee shall serve as Ex Officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member. They shall have the right to participate fully, including the right to vote on all matters before the Subcommittees, but shall not be counted in establishing the requirements of, or in determining, a quorum.

(2) Any Member of the Committee may sit with any Subcommittee of which he or she is not a Member during its hearings or meetings (including closed meetings) and participate therein, but may not vote on any matter, or be counted present for the purpose of determining a quorum, or raise points of order, or, except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule.

(F) *Subcommittee Meetings.*—

(1) Subcommittees may hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee.

(2) Dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to, and in accordance with, workloads.

(3) Subcommittees shall not meet at the same time as the Full Committee without the express permission of the Chairman of the Committee.

(G) *Joint Subcommittee Markup.*—When two or more Subcommittees meet jointly to take action on any measure or matter, each Member shall be entitled to one vote on each amendment, motion, order, or proposition.

RULE V. MEETINGS

(A) *Regular Meetings.*—The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, 1334 Longworth House Office Building, while Congress is in session. This meeting may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, if there is no business.

(B) *Additional Meetings.*—The Chairman may call and convene additional meetings.

(C) *Meeting Notices.*—

(1) The date, time, place, and subject matter of meetings shall be announced to all Members of the Committee and the public at least one week in advance. If the Chairman, in consultation with the Ranking Minority Member, determines this is not possible, a public announcement and oral and confirming written notice to Committee Members shall be made at the earliest possible date.

(2) All meeting notices shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(3) All Committee Members shall have adequate notice prior to Committee or Subcommittee investigations or hearings at locations other than Washington, D.C.

(D) *Special Meetings.*—

(1) Three or more Committee Members may file with the Committee Clerk, a signed, written request to the Chairman for a special meeting of the Committee, specifying the measure or matter to be considered.

(2) If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file with the Committee Clerk their signed, written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Only the measure or matter specified in that notice may be considered at that special meeting. Immediately upon the filing of that notice, the Clerk of the Committee shall notify all Members of the Committee of the special meeting.

(3) The above procedures also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting is two, and a majority of the Members of the Subcommittee must file their signed written notice with the Subcommittee Clerk.

(E) *Conflict With Party Caucus or Conference.*—When a Party Caucus or Conference of either Party directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled. The Clerk of the Committee shall give oral and confirming written notice to that effect to all Committee Members. The Chairman shall reschedule the meeting at the earliest practical time.

(F) *Prohibition Against Meeting During Joint Sessions and Joint Meetings.*—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE VI. COMMITTEE PROCEDURE

(A) *Applicability of House Procedure.*—The procedure in the Committee and its Subcommittees shall follow the procedure of the House.

(B) *Referral of Legislation.*—

(1) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(2) The Chairman may refer any measure or matter simultaneously to two or more Subcommittees for concurrent consideration, or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

(C) *Power To Sit and Act and Subpoena Power.*—

(1) For the purpose of carrying out any of its functions and duties under Rules X and XI of the House of Representatives, the Committee, or any Subcommittee, is authorized:

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or had adjourned;

(b) to hold hearings; and

(c) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (1)(c) in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority being present.

(3) The power to authorize and issue subpoenas is also delegated to the Chairman of the Full Committee.

(4) Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(5) Compliance with any subpoena issued by a Committee or a Subcommittee may be enforced only as authorized or directed by the House.

(6) The Chairman of the Committee, or any Member designated by the Chairman, may administer oaths to any witness.

(D) *Vice Chairman or Ranking Majority Member to Preside in Absence of Chairman.*—

(1) *Committee.* The Member of the majority party on the Committee ranking immediately after the Chairman shall be the Vice Chairman of the Committee and shall preside at any meeting of the Committee during the temporary absence of the Chairman. If the Chairman and Vice Chairman of the Committee are not present at any meeting of the Committee, the Ranking Member of the majority party who is present shall preside at that meeting.

(2) *Subcommittees.* The Member of the majority party on each Subcommittee ranking immediately after the Chairman of the Subcommittee shall be the Vice Chairman of the Subcommittee and shall preside at any meeting of the Subcommittee during the temporary absence of the Chairman of the Subcommittee. If the Chairman and Vice Chairman of the Subcommittee are not present at any meeting of the Subcommittee, the Ranking Member of the majority party who is present shall preside at that meeting.

(E) *Quorums for Meetings, Markups, and Hearings.*—

(1) Except as provided below, one-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business.

(2) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present, which shall be deemed the case if the records of the Committee establish that a majority of the Committee responded on a rollcall vote on that question. No point of order shall lie with respect to any measure or recommendation on the ground that it was reported without a majority of the Committee actually present unless such point of order was timely made in Committee.

(3) Testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(4) Proxies may not be counted for a quorum.

(F) *Members' Opening Statements at Hearings.*—Opening statements by Members at the beginning of any hearing of the Committee or any of its subcommittees shall be limited to five minutes each for the Chairman and Ranking Minority Member or their designee and one minute each for all other Members.

(G) *Amendments to be Offered at a Committee Markup.*—To the maximum extent possible, when a bill or resolution is being considered by the Committee, Members shall provide the Chief Clerk in a timely manner a sufficient number of written copies of any proposed amendment to enable each Member to receive a copy thereof prior to taking action in a Committee markup. A brief explanation of the effect of the amendment should be included with the text of the amendment.

(H) *Open Meetings.*—Each business meeting, including the markup of legislation, of the Committee and its Subcommittees shall be open to the public, except as provided below.

(I) *Closed Meetings.*—

(1) The Committee or Subcommittee, by a rollcall vote in open session and with a majority present, may determine that all or a part of the remainder of the business meeting, including the markup of legislation, on that day shall be closed to the public.

(2) If the meeting or markup is closed, no person other than Members of the Committee, and Congressional staff and departmental representatives as the Members may authorize, may be present.

(3) Any meeting that relates solely to internal budget or personnel matters may be closed by the Chairman after consultation with the Ranking Minority Member.

(J) *Closed Hearings.*—

(1) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives.

(2) Notwithstanding paragraph (1), a majority of those present, if the number required for the purpose of taking testimony are present, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or tend to defame, degrade, or incriminate any person.

(3) The Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(4) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House of Representatives, by majority vote, authorizes the Committee or the Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures for closing hearings to the public.

(K) *Investigative Hearings.*—

(1) The Chairman shall announce in the opening statement the subject of the investigation.

(2) Except as provided by the rule for closing an investigative hearing, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(3) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(4) At the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(L) *Closed Investigative Hearings.*—

(1) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(2) The Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) In either case, the Committee shall afford such person an opportunity voluntarily to appear as a witness, and shall receive and dispose of requests from such person to subpoena additional witnesses.

(M) *Questioning of Witnesses.*—

(1) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing.

(2) After completing his questioning, the Chairman shall recognize the other Members beginning with the Ranking Minority Member and then the Ranking Majority Member, and thereafter, alternating between Minority and Majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Each Member may request up to five minutes in each round of questioning. Additional time may be extended at the discretion of the Chairman.

(N) *Minority Witnesses.*—A majority of the Minority Members shall be entitled, upon request to the Chairman before the completion of any hearing, to call witnesses with respect to that measure or matter during at least one day of hearing.

(O) *Points of Order.*—No point of order shall lie with respect to any measure reported by the Committee on the ground that hearings on the measure were not conducted in accordance with the Rules governing open or closed hearings, public notice of hearings, or the requirements for advance filing and summarizing of statements by witnesses; except that a point of order on these grounds may be made by any Member of the Committee if, in the Committee, the point of order was timely made, and improperly overruled or not properly considered.

(P) *Ordering of Rollcall Votes.*—A rollcall vote may be ordered by one-fifth of the Members present.

(Q) *Proxies.*—

(1) A Member may vote by proxy only on a specific measure or matter and any amendments or motions pertaining to it; except that a Member may authorize a proxy for all motions to recess, adjourn, or other procedural matters.

(2) In order to be considered a valid and duly executed proxy, the proxy authorization must: be in writing; assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee; designate the person who is to execute the proxy authorization; and be signed by the Member assigning his or her

vote, noting the date and time that the proxy was signed.

(3) For a proxy to be valid in sessions on succeeding days, it must be stipulated in the proxy, and if not stipulated, cannot be voted.

(4) All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted.

(5) Points of order as to the validity of proxies must be made at the time the proxies are voted.

(6) Proxies may not be counted for a quorum.

(R) *Limitation on Floor Action Under Suspension of the Rules.*—No bill which directly or indirectly authorizes the expenditure of over $1 million in Federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless:

(1) the changes are purely technical and conforming; or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

RULE VII. WITNESSES

(A) *Advance Testimony Requirements.*—A witness shall not be permitted to testify or present evidence, nor will any statement or testimony be included in the Committee hearing record, unless seventy-five copies of the testimony have been delivered to the Clerk of the Committee at least twenty-four hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. At least ten of these copies must be delivered at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. These requirements may be waived only by the Chairman.

(B) *Written Summary.*—Each prepared statement of ten pages or more shall include a summary which may not exceed five pages in length.

(C) *Federal and Administration Witnesses.*—To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on the matters pending before it.

(D) *Five Minute Oral Testimony.*—Witnesses will be allowed no more than five minutes to summarize their prepared statements orally, unless additional time is provided by the Chairman. Full written statements provided by the witnesses will be made part of the record.

(E) *Investigative Hearing Witnesses.*—

(1) A copy of the Committee Rules shall be made available to each witness.

(2) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(3) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(4) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

(F) *Responses/Information for the Record.*—Responses to Members' or staff questions and other information offered for the record, shall be submitted, in triplicate, to the Committee Clerk within forty-five days from the time of the request. One copy will be retained by the Clerk for printing and the remainder transmitted to the appropriate Majority and Minority Counsels.

RULE VIII. BROADCASTING OF COMMITTEE MEETINGS

The Chairman may permit any public hearing or meeting to be televised, broadcast by radio, photographed, or otherwise recorded, subject to the following requirements:

(1) At the request of any Committee Member present, a majority vote must be taken to permit the use of such equipment during the hearing or meeting.

(2) Radio and television tapes and television film of any coverage shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(3) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of these Rules.

(4) If the television or radio coverage of the hearing or meeting is live, it shall be conducted and presented without commercial sponsorship.

(5) All persons providing coverage of the meeting shall be accredited to the appropriate Gallery.

(6) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all recorders or microphones used for coverage shall be turned off.

(7) The number of television cameras allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, the allocation among the television media of these positions shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Gallery.

(8) Members of the media and their equipment shall not obstruct in any way the space or visibility between any witness and any Member of the Committee nor obstruct unnecessarily coverage by the other media.

(9) No audio-visual equipment will be allowed on the dais without the express prior approval of the Chairman.

(10) Fixed audio-visual equipment shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(11) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(12) The number of still photographers allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, allocation among this media shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers. Preference shall be given to photographers from Associated Press Photos and United Press International Newspictures.

RULE IX. COMMITTEE RECORDS

(A) *Votes.*—

(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a rollcall vote is demanded.

(2) The result of each rollcall vote—including a description of the issue, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting—shall be available for inspection by the public at reasonable times in the offices of the Committee.

(B) *Separate Files.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chairman. These records shall be the property of the House and all Members of the House shall have access.

(C) *Permanent Records.*—With respect to the preservation and availability of noncurrent records of the Committee, the procedures contained in Rule XXXVI of the House shall be followed.

(D) *Open Hearings.*—

(1) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after that Member has had an opportunity to examine and approve them. No more than forty-five days after the conclusion of hearings, the transcript shall be closed and no further changes may be made.

(2) In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the Government Printing Office for publication.

(E) *Closed Meetings.*—Transcripts and records of closed meetings shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the offices of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session transcripts and records be taken from the Committee offices by anyone.

(F) *Markup Transcripts.*—In no event shall markup transcripts and records be taken from the Committee offices by anyone.

(G) *Availability of Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision pursuant to clause 3(b)(3) or clause 4(b) of the House rule to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULE X. COMMITTEE REPORTS AND PUBLICATIONS

(A) *Activities Report.*—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on its activities under Rules X and XI of the House during the Congress ending at noon on January 3 of that year.

(B) *Procedures for Reporting.*—

(1) The Chairman shall report or cause to be reported promptly to the House any measure approved by the Committee and shall

take or cause to be taken necessary steps to bring the matter to a vote.

(2) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of this request, the Clerk of the Committee shall immediately notify the Chairman.

(C) *Minority, Supplemental, or Additional Views.*—

(1) Members of the Committee must give notice to the Committee Clerk of intention to file supplemental, minority, or additional views within twenty-four hours after the time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays, and legal holidays).

(2) Members shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) from the time of approval of any measure or matter, in which to file such views, in writing and signed by that Member, with the Clerk of the Committee.

(3) The provisions of subparagraphs (1) and (2) do not preclude—

(a) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this paragraph, or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(D) *Committee Report Requirements.*—Committee reports shall be printed in a single volume and include the following:

(1) with respect to each rollcall vote to report any bill or resolution, the total number of votes cast for and against, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting;

(2) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules, separately set out and clearly identified;

(3) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(4) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, separately set out and clearly identified, if timely submitted;

(5) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) of Rule X of the House Rules, separately set out and clearly identified, if it has been submitted to allow for the Committee's consideration during deliberations on the measure;

(6) on each bill or joint resolution of a public character, a detailed analytical statement as to whether its enactment into law may have an inflationary impact on prices and costs in the operation of the national economy;

(7) on a bill or a joint resolution repealing or amending any statute or part thereof, in the report or in an accompanying document—

(a) the text to be repealed; and

(b) a comparative print showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to the statute;

(8) all supplemental, minority, or additional views filed by one or more Members of the Committee; and

(9) on its cover, a recital that any material submitted under subparagraphs (4), (5), and (8) above are included as part of the report.

(E) *Approval by Chairman.*—All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to distribution.

RULE XI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A) *Authorization.*—All travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice or the actual travel.

(B) *Trip Report.*—A substantive report shall be filed with the Chairman within thirty days after any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(C) *Domestic Travel.*—Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States.

(D) *Foreign Travel.*—

(1) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions.

(2) No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose.

(3) The following conditions apply to travel outside the United States or its territories or possessions:

(a) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem rate set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended.

(c) All such individual reports shall be filed, no later than sixty days following the completion of travel, with the Chairman of the Committee for use in complying with the reporting requirements in applicable Federal law and shall be open for public inspection.

(4) In carrying out the Committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the Committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(5) A Member or employee of the Committee may not receive reimbursement for the coast of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(E) *Lame Duck Members.*—No local currencies owned by the United States and made available to the Committee, no primary expense resolution, and no additional expense resolution of the Committee may provide for the payment or reimbursement of expenses incurred by any Member of the Committee for travel after the general election in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate, the earlier of the general election date or the adjournment sine die of the last regular session of the Congress.

RULE XII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) *Hiring Practices/Terms of Employment.*—The staff members of the Committee—

(1) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(2) shall not engage in any work other than Committee business; and

(3) shall not be assigned any duties other than those pertaining to Committee business.

(B) *Limitation on Appointing Government Personnel.*—The Committee shall not appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(C) *"Clause 5" Appointments.*—

(1) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(a) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(b) The Ranking Minority Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Subcommittee Ranking Minority Member.

(c) The staff members appointed pursuant to the provisions of (a) and (b) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed: (1) 75 per centum of the maximum established in paragraph (c) of clause 6 of Rule XI of the House Rules, or (2) the rate paid the staff member appointed pursuant to subparagraph (a) of this paragraph.

(2) Subcommittee staff members appointed under paragraph (1) are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee, as appropriate.

(D) *"Clause 6" Appointments.*—

(1) The Committee shall appoint, by a majority vote, from a list submitted by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of clause 6 of Rule XI of the House Rules.

(2) Each employee on the professional, clerical and investigating staff of the Committee shall be entitled to pay at a single gross per annum rate, to be fixed by the

Chairman, which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(3) Subject to the provisions of paragraph (C)(2), each Committee staff member, other than a member appointed pursuant to the request of Minority Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign.

(4) In the case of staff members appointed pursuant to the request of Minority Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Members in accordance with clause 6 of Rule XI of the House Rules.

(5) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Subcommittee Ranking Minority Member, as appropriate, for duty assignment purposes.

(6) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

RULE XIII. COMMITTEE BUDGET

(A) *Annual Budget.*—

(1) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated funds necessary for all anticipated activities and programs of the Committee and its Subcommittees, that will be requested under a primary expense resolution submitted in accordance with clause 5 of Rule XI of the House Rules.

(2) In presenting the budget, the Chairman shall ensure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(B) *Additional Expense Resolutions.*—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(C) *Monthly Accounting.*—

(1) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last accounting from the amount budgeted to the Full Committee.

(2) Each report shall show the amount and purpose of each expenditure and the budget to which the expenditure is attributed.

(3) Each report shall be available, upon request to the Committee Clerk, to any Member of the House of Representatives.

RULE XIV. CHANGES IN THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted upon.

APPENDIX

SUBCOMMITTEE JURISDICTIONS

Subcommittee on Environment and Natural Resources

The Subcommittee's jurisdiction includes all matters pertaining to the protection of coastal and marine environments, national environmental policy generally, and the conservation of wildlife resources. Specific matters within the jurisdiction of the Subcommittee include coastal and marine pollution, estuarine protection, coastal barriers, the National Environmental Policy Act, wetlands and habitat conservation, endangered species, biological diversity, marine mammals, whales, and refuges. The Subcommittee has general responsibility for the activities of the U.S. Fish and Wildlife Service, the Council on Environmental Quality, and the Marine Mammal Commission, and for the activities of the U.S. Environmental Protection Agency within the jurisdiction of the Committee on Merchant Marine and Fisheries.

Subcommittee on Coast Guard and Navigation

The Subcommittee's jurisdiction includes the Coast Guard, including life-saving services, lighthouses, lightships, ocean derelicts, communications, radar, maritime aids and other aids to navigation; deep water ports; registration and licensing of vessels, including small boats, navigation and the laws relating thereto, including pilotage; regulation of recreational boats and their operation; fishing vessel safety; inspection of merchant vessels, lights and signals, life-saving equipment and fire protection on such vessels; rules and international arrangements to prevent collisions at sea; enforcement of laws and treaties and marine pollution control and abatement; oil spill laws and associated financial responsibility requirements; regulation of the transportation and storage of liquefied natural gas and other volatile gases; the Coast Guard Academy; the Panama Canal and the maintenance and operation of the Panama Canal consistent with the treaty with Panama and the implementation legislation enacted pursuant to such treaty; and interoceanic canals generally.

Subcommittee on Merchant Marine

The Subcommittee's jurisdiction includes cabotage laws; cargo preference laws; ports and port matters except deep water ports; foreign-flag passenger ships; international maritime activities; intermodal transportation; marine insurance, maritime statistics; maritime technology; maritime training; merchant marine officers and seamen; and measures related to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission).

Subcommittee on Oceanography, Gulf of Mexico, and the Outer Continental Shelf

The Subcommittee's jurisdiction includes marine science and research generally; oceanographic research, including vehicles, platforms and structures; ocean engineering, including materials, technology, and systems; ocean dumping; ocean resources development and conservation; coastal zone management; marine sanctuaries; the activities of the National Oceanic and Atmospheric Administration except those in general relating to fisheries management and the National Marine Fisheries Service; U.N. Convention on the Law of the Sea; Sea Grant programs and marine extension services; and the Outer Continental Shelf Lands Act.

Subcommittee on Fisheries Management

The Subcommittee's jurisdiction includes all matters relating to fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety, and fisheries promotion. The Subcommittee also has general jurisdiction over the fishery management activities of the National Marine Fisheries Service.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today, on account of family illness.

Mr. DOOLITTLE (at the request of Mr. MICHEL) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 60 minutes, on February 18.

Mr. WELDON, for 5 minutes each day, on today and February 17.

Mr. GINGRICH, for 60 minutes each day, on March 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, and 19.

Mr. WOLF, for 30 minutes, today.

Mr. DELAY, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. BONIOR, for 60 minutes, today, and on February 17 and 18.

Mr. TUCKER, for 60 minutes, today.

Mr. CONYERS, for 30 minutes, today.

Mr. MILLER of California, for 60 minutes, on February 17 and 18.

Mr. DURBIN, for 60 minutes, on February 17 and 18.

Mr. GEJDENSON, for 60 minutes, on February 18.

Mr. WISE, for 60 minutes, on February 18.

Mr. LEHMAN, for 60 minutes, on April 21, 22, and 26.

(The following Members (at the request of Mr. BONIOR) to revise and extend their remarks and include extraneous material:)

Mr. FINGERHUT, for 5 minutes, on February 17.

Mr. LIPINSKI, for 60 minutes, on February 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. SANTORUM.

Mr. BILIRAKIS.

Mr. HEFLEY in two instances.

Mr. GINGRICH.
Mr. KING.
Mr. BEREUTER.
Mrs. MORELLA.
Mr. CLINGER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BONIOR.
Mr. FILNER.
Mr. WYNN.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. NATCHER.
Mr. STARK in three instances.
Mr. ORTIZ.
Mr. HAMILTON.
Mr. DURBIN.
Ms. SLAUGHTER.
Mrs. SCHROEDER.

SENATE JOINT RESOLUTION

A joint resolution of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S.J. Res. 45. Joint resolution authorizing the use of United States Armed Forces in Somalia; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An act to grant family and temporary medical leave under certain circumstances.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 17, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of January 5, 1993]

719. A communication from the President of the United States, transmitting requests for fiscal year 1993 emergency appropriations language for the Departments of Housing and Urban Development and the Interior to provide housing assistance in Florida, Louisiana, Hawaii, and Guam to victims of Hurricanes Andrew and Iniki and Typhoon Omar, and relief to the drought-stricken western United States, and support to Louisiana in studying and repairing ecological damage caused by Hurricane Andrew, pursuant to Public Law 102-368, chapter 10 (106 Stat. 1158) (H. Doc. No. 103-45); to the Committee on Appropriations and ordered to be printed.

[Submitted January 16, 1993]

720. A letter from the Deputy Director, Office of Legislative Affairs, Department of the Treasury, transmitting the second annual report on the operation of the Enterprise for the Americas Facility, pursuant to Public Law 101-624, section 1512 (104 Stat. 3662); to the Committee on Agriculture.

721. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's second special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 681 et. seq. (H. Doc. No. 103-47); to the Committee on Appropriations and ordered to be printed.

722. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103-48); to the Committee on Appropriations and ordered to be printed.

723. A letter from the Principal Director, Requirements and Resources, Department of Defense, transmitting notification that the Department's Defense Manpower Requirements Report for fiscal year 1994, will be delayed, pursuant to 10 U.S.C. 115(a); to the Committee on Armed Services.

724. A letter from the Director, Test and Evaluation, Department of Defense, transmitting notification of three additional fiscal year 1993 test projects, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

725. A letter from the Deputy Assistant Secretary of Defense (Installations), transmitting notification that the report entitled, "Report on the Performance of Department of Defense Commercial Activities," will be delayed, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

726. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on the status of all extensions granted by Congress regarding the requirements of section 13 of the Federal Power Act; to the Committee on Energy and Commerce.

727. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

728. A letter from the Department's of State and the Treasury, transmitting the final report on foreign contributions in response to the Persian Gulf Crisis, pursuant to Public Law 101-25, section 402 (105 Stat. 101); to the Committee on Foreign Affairs.

729. 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 H.R. 1, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

730. A letter from the Council on Environmental Quality, Executive Office of the President, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

731. A letter from the Chairman, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

732. A letter from the Chairman, U.S. International Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

733. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the semiannual report on El Salvador, pursuant to Public Law 101-513, section 531(i) (104 Stat. 2012); jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 670. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes (Rept. 103-14). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. H. Res. 81. A resolution providing for the consideration of the bill (H.R. 670) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes (Rept. 103-15).

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. TRAFICANT:

H.R. 881. A bill to prohibit smoking in Federal buildings; to the Committee on Public Works and Transportation.

By Mr. ANDREWS of Texas (for himself, Mr. SHAW, Ms. PELOSI, Mr. BACCHUS of Florida, Mr. KING, Mr. MCCOLLUM, Mr. GALLEGLY, Mr. SOLOMON, Mr. SUNDQUIST, Mr. GINGRICH, Mrs. SCHROEDER, Mr. GILLMOR, Mr. HOCHBRUECKNER, Mr. BATEMAN, Mr. PICKETT, Mr. SENSENBRENNER, Mr. PORTER, Mr. SMITH of New Jersey, Mr. TORKILDSEN, Mr. BLUTE, Mrs. KENNELLY, Mr. THOMAS of Wyoming, Mr. HINCHEY, Mr. SAXTON, Mr. SPRATT, Mr. UPTON, Mrs. JOHNSON of Connecticut, Mr. EMERSON, Mr. MACHTLEY, Mr. NEAL of Massachusetts, Mr. LEWIS of Florida, Mr. FROST, Mr. MATSUI, Mr. WALSH, Mr. TOWNS, Mr. SAM JOHNSON, Mr. JACOBS, Mr. WILLIAMS, Mr. BAKER of Louisiana, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Ms. NORTON, and Mr. MAZZOLI):

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference; to the Committee on Ways and Means.

By Mr. ARMEY (for himself, Mr. KASICH, Mr. MCCOLLUM, and Mr. HORN):

H.R. 883. A bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration; jointly to the Committees on Government Operations and Rules.

By Mr. BURTON of Indiana (for himself and Mr. ZELIFF):

H.R. 884. A bill to amend the Internal Revenue Code of 1986 to repeal the deduction limitation which applies to State legislators who reside within 50 miles of the capitol building of the State; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 885. A bill amending the Rules of the House to limit the availability of appropriations for salaries and expenses of the House to 1 year and to require certain excess allowance amounts be returned to the Treasury; to the Committee on Rules.

By Mr. CLINGER (for himself, Mr. SHAYS, Mr. SCHIFF, Mr. MCHUGH, Mr. HORN, Mr. ZIMMER, Mr. MCCANDLESS, Mr. RANGEL, Mr. HOBSON, Mr. GUNDERSON, Mr. ZELIFF, Mr. THOMAS of Wyoming, Mr. BARTLETT, and Mr. MICA):

H.R. 886. A bill to provide mandate relief assistance to State and local governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. DUNCAN (for himself, Mr. INHOFE, Mr. ZELIFF, Mr. GALLEGLY, Mr. SANTORUM, Mr. SUNDQUIST, Mr. BARTON of Texas, Mr. BARTLETT of Maryland, and Mr. BAKER of Louisiana):

H.R. 887. A bill to amend the Immigration and Nationality Act to provide for the exclusion of immigrants infected with the HIV virus; to the Committee on the Judiciary.

By Mr. FIELDS of Texas (for himself and Mr. BONILLA):

H.R. 888. A bill to amend the Endangered Species Act of 1973 to the Committee on Merchant Marine and Fisheries.

By Mr. FRANK of Massachusetts:

H.R. 889. A bill to exclude from income amounts received under part A of title IV of the Social Security Act for the purposes of determining the amount of benefits to be provided under the Food Stamp Act of 1977; to the Committee on Agriculture.

H.R. 890. A bill to amend the Federal Deposit Insurance Act to provide for extended periods of time for claims on insured deposits; to the Committee on Banking, Finance and Urban Affairs.

H.R. 891. A bill to permit certain Federal employees who retired or became entitled to receive compensation for work injury before December 9, 1980, to elect to resume coverage under the Federal employees' group life insurance program; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of Connecticut:

H.R. 892. A bill to amend part A of title IV of the Social Security Act to ensure the identification of the biological parents of each child who receives aid to families with dependent children; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 893. A bill to amend title 18, United States Code, to prohibit the possession or transfer of assault weapons; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 894. A bill to require the Congressional Budget Office to prepare estimates of the cost incurred by State and local governments in carrying out or complying with new legislation; to amend the Rules of the House of Representatives to require the inclusion of such estimates in committee reports on bills and joint resolutions; and to amend the Rules of the House of Representatives to ensure that Federal laws requiring activities by such governments shall not apply unless all amounts necessary to pay the direct costs of the activities are provided by the Federal Government; to the Committee on Rules.

H.R. 895. A bill to abolish the Economic Development Administration; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

H.R. 896. A bill to abolish the Interstate Commerce Commission; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. HUGHES (for himself and Mr. FRANK of Massachusetts):

H.R. 897. A bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes; to the Committee on the Judiciary.

By Mr. HUTTO:

H.R. 898. A bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. KLUG:

H.R. 899. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to increase the minimum amount of cash remuneration payable to a domestic employee in any year which is subject to Social Security employment taxes, to provide for annual adjustments in such minimum amount, and to simplify the payment of such employment taxes; to the Committee on Ways and Means.

By Mr. LAROCCO:

H.R. 900. A bill to amend title 28, United States Code, to provide for the appointment of an additional district judge for the District of Idaho; to the Committee on the Judiciary.

By Mr. LEWIS of Florida (for himself, Mr. BAKER of Louisiana, Mr. ROHRABACHER, Mr. GOSS, Mr. GALLEGLY, Mr. RAMSTAD, Mr. DORNAN, Mr. HYDE, and Mr. OXLEY):

H.R. 901. A bill to ensure employee rights concerning the payment of union dues; to the Committee on Education and Labor.

By Mr. MATSUI (for himself and Mr. HOAGLAND):

H.R. 902. A bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 903. A bill to amend title III of the act of March 3, 1933, commonly known as the Buy American Act, to require Federal agencies to increase domestic procurement in times of economic recession, and for other purposes; to the Committee on Government Operations.

By Mr. OBERSTAR (for himself, Mr. GEPHARDT, Mr. MINETA, Mr. SHUSTER, Mr. CARR, and Mr. CLINGER):

H.R. 904. A bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry; to the Committee on Public Works and Transportation.

By Mr. OWENS:

H.R. 905. A bill to require the Bureau of Labor Statistics to collect and report unemployment and related statistics by congressional districts; to the Committee on Education and Labor.

H.R. 906. A bill to require that the Librarian of Congress be appointed from among individuals with specialized training or significant experience in the field of library and information science; to the Committee on House Administration.

H.R. 907. A bill to amend title 18, United States Code, to eliminate the effect of the parental exception to the kidnaping prohibition in cases of kidnapings in violation of valid custody orders; to the Committee on the Judiciary.

By Mr. PAXON:

H.R. 908. A bill to disqualify any individual or business concern who violates a Federal environmental law, or who holds a beneficial business interest in a person who has violated such a law, from being eligible to receive certain benefits from the Environmental Protection Agency for a period of 10 years; to the Committee on Energy and Commerce.

H.R. 909. A bill to amend the Congressional Budget Act of 1974 to require that the Congressional Budget Office prepare an analysis of the job loss or gain that would result from each reported bill; to the Committee on Rules.

H.R. 910. A bill to amend part A of title IV of the Social Security Act and title XIX of such act to discourage persons from moving to a State to obtain greater amounts of aid to families with dependent children or additional medical assistance under State medicaid plans; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PORTER (for himself, Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BEREUTER, Mr. BOEHNER, Mr. BROWDER, Mr. BUNNING, Mr. BURTON of Indiana, Mrs. COLLINS of Michigan, Mr. COX, Mr. DOOLEY, Mr. DURBIN, Mr. DORNAN, Mr. FALEOMAVAEGA, Mr. FROST, Mr. GALLEGLY, Mr. GILMAN, Mr. GOODLING, Mr. GOSS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HENRY, Mr. HERGER, Ms. NORTON, Mr. HUGHES, Mr. HUNTER, Mr. HYDE, Mr. SAM JOHNSON, Mr. KING, Mr. KLUG, Mr. KYL, Mr. LIGHTFOOT, Mr. MACHTLEY, Mr. MAZZOLI, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCHUGH, Mr. MCKEON, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mr. MONTGOMERY, Mrs. MORELLA, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PICKETT, Mr. QUINN, Mr. ROYCE, Mr. SCHIFF, Mr. SHAYS, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SOLOMON, Mr. STARK, Mr. SUNDQUIST, Mr. WALSH, Mr. WELDON, Mr. WOLF, and Mr. MCNULTY):

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances to volunteers working on behalf of nonprofit organizations and governmental entities; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 912. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on passive activity losses and credits, provide an accelerated depreciation schedule for real estate, restore the investment tax credit, allow a deduction for certain capital gains, restore and increase the deduction for health insurance costs of self-employed individuals, restore income averaging, and reduce Social Security taxes and remove the ceiling on wages subject to such taxes; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 913. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability and some or all of their income tax refunds, and to contribute additional amounts, to be used for purposes of financing drug abuse education programs; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 914. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mrs. SCHROEDER:

H.R. 915. A bill to improve the collection of child support; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. STARK:

H.R. 916. A bill to establish, in the Food and Drug Administration, the Patented Medicine Prices Review Board to regulate the prices of certain prescription drugs, to amend the Internal Revenue Code to recapture certain tax benefits, and for other purposes; jointly, to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

By Mr. TRAFICANT:

H.R. 917. A bill to amend the Internal Revenue Code of 1986 to require an investigation of the Internal Revenue Service abuse of taxpayers' rights, to safeguard taxpayer rights, to monitor the effectiveness of the Internal Revenue Service's program for the prevention of taxpayer abuse, and for other purposes; to the Committee on Ways and Means.

By Mr. WYNN (for himself, Mr. E.B. JOHNSON, and Mr. WILSON):

H.R. 918. A bill to amend the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for greater disclosure of lending to small businesses; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CLEMENT (for himself, Mr. COOPER, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. GORDON, Mrs. LLOYD, Mr. QUILLEN, Mr. SUNDQUIST, and Mr. TANNER):

H.J. Res. 106. Joint resolution to designate the months of October 1993 and October 1994 as "Country Music Month"; to the Committee on Post Office and Civil Service.

By Mr. McNULTY:

H.J. Res. 107. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment, thereby removing the restrictions on the number of terms an individual may serve as President; to the Committee on the Judiciary.

Mr. MORAN (for himself, Mr. HOYER, Mr. WHEAT, Mr. ACKERMAN, Mr. CARDIN, Mr. BATEMAN, Mr. McDERMOTT, Mr. CLEMENT, Mr. TAUZIN, Mr. SKEEN, Mr. NEAL of Massachusetts, Mr. BEVILL, Mr. PAYNE of New Jersey, Mr. McCLOSKEY, Mr. WALSH, Mr. BLACKWELL, Mr. ANDREWS of Maine, Mr. WOLF, Mr. TRAFICANT, Mr. FRANK of Massachusetts, Mr. CHAPMAN, Ms. BYRNE, Mr. PALLONE, Mr. KLECZKA, Mr. COX, Mr. KILDEE, Mr. MYERS of Indiana, Mr. HANSEN, Mr. DE LUGO, Mr. RANGEL, Mr. DOOLITTLE, Mr. MINETA, Mr. MARTINEZ, Mr. LANCASTER, Mr. BERMAN, Mr. NEAL of North Carolina, Ms. KAPTUR, Mrs. MINK, Mr. KANJORSKI, Mr. CLAY, Mr. HYDE, Mr. BILBRAY, Mr. HOCHBRUECKNER, Mr. ROSE, Mr. KASICH, Mrs. MORELLA, Ms. WOOLSEY, Mr. POSHARD, Mr. PARKER, Mr. ABERCROMBIE, Mr. ANDREWS of New Jersey, Mr. YOUNG of Florida, Mr. LEHMAN, Ms. PELOSI, Mr. FROST, Mr. FORD of Michigan, Mr. HOBSON, Mr. CONYERS, Ms. NORTON, Mr. DICKS, Mr. FAZIO, Ms. BROWN of Florida, Mr. FILNER, Mr. EMERSON, Mr. ROEMER, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. HUGHES, Mr. LANTOS, Mr. OWENS, Mr. HUTCHINSON, Mrs. UNSOELD, and Mr. STUPAK):

H.J. Res. 108. Joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. PAXON:

H.J. Res. 109. Joint resolution proposing an amendment to the Constitution of the United States providing for the recall of Senators and Representatives; to the Committee on the Judiciary.

By Mr. PETRI:

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, WI, as the "World Capitol of Aerobatics," and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DIAZ-BALART (for himself, Mr. TORRICELLI, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. BALLENGER, Ms. ROS-LEHTINEN, and Mr. DEUTSCH):

H. Con. Res. 38. Concurrent resolution calling for the United States to propose and seek an international embargo against the totalitarian Government of Cuba; to the Committee on Foreign Affairs.

By Mr. HAMILTON:

H. Res. 80. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. GLICKMAN:

H. Res. 82. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Permanent Select Committee on Intelligence in the 1st session of the 103d Congress; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself, Mr. EMERSON, Ms. DANNER, Mr. QUINN, Mr. FIELDS of Texas, Mr. KING, Mr. MACHTLEY, Mr. LIGHTFOOT, and Mr. RAHALL):

H. Res. 83. Resolution expressing the sense of the House of Representatives that the cost-of-living adjustment provisions under title II of the Social Security Act should be preserved; to the Committee on Ways and Means.

By Mr. STUDDS:

H. Res. 84. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Merchant Marine and Fisheries in the 1st session of the 103d Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

41. The SPEAKER presented a memorial of the Senate of the State of New Hampshire, relative to cable television; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GINGRICH introduced a bill (H.R. 919) for the relief of Larry Errol Pieterse; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. DIXON.

H.R. 20: Mr. YOUNG of Alaska, Mr. TUCKER, Mr. ROEMER, Mr. HAYES of Louisiana, Mr. VISCLOSKY, Mr. EMERSON, Mr. SWETT, Mr. RANGEL, Mr. TOWNS, Mr. ORTON, Mr. KLEIN, Mr. KLINK, Mr. FALEOMAVAEGA, Ms. SHEPHERD, Mr. BILBRAY, Mrs. LLOYD, Mr. McHALE, Ms. CANTWELL, Mr. UPTON, Mr. TANNER, Mr. LEVIN, Mr. ENGLISH of Oklahoma, Mr. POMEROY, Mr. BERMAN, Mr. MANTON, Mr. HAMBURG, Mr. GALLO, Mr. PARKER, Mr. TORRICELLI, Mr. NADLER, Mr. HOYER, Mr. CRAMER, Mr. STUPAK, Mr. GOODLING, Mr. LEWIS of Georgia, Ms. McKINNEY, Ms. WOOLSEY, Mrs. CLAYTON, Mr. PAYNE of New Jersey, Mr. JOHNSON of South Dakota, Mr. UNDERWOOD, Ms. DANNER, Mr. BECERRA, Mr. ENGEL, Mr. SCOTT, Mr. NEAL of North Carolina, Mr. WALSH, Ms. SCHENK, Ms. LOWEY, Mr. LANTOS, Mr. DELLUMS, and Mr. TRAFICANT.

H.R. 94: Mr. DORNAN, Mr. OXLEY, Mr. BURTON of Indiana, Mr. GALLEGLY, Mrs. MORELLA, Mr. HILLIARD, Mr. BARRETT of Nebraska, Mr. ROHRABACHER, and Mr. BARTLETT.

H.R. 109: Ms. FURSE, Ms. NORTON, Mrs. MORELLA, Mr. PALLONE, Mr. OLVER, Mr. SANGMEISTER, Mr. RAVENEL, Mr. LAFALCE, Mr. DELLUMS, Mr. KANJORSKI, Mr. PAYNE of New Jersey, and Mr. HINCHEY.

H.R. 150: Mr. COX and Mr. SUNDQUIST.

H.R. 162: Mr. HERGER, Mr. BACHUS of Alabama, Mr. BALLENGER, Mr. BLACKWELL, Mr. BUYER, Mr. CHAPMAN, Mr. COSTELLO, Mr. CRAMER, Mr. DELAY, Mr. EMERSON, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. GILLMOR, Mr. GLICKMAN, Mr. GUNDERSON, Mr. HAYES of Louisiana, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KYL, Mr. LAUGHLIN, Mr. LEWIS of Florida, Mr. MAZZOLI, Mr. McCLOSKEY, Mr. NEAL of North Carolina, Mr. RAMSTAD, Mr. ROGERS, Mr. SARPALIUS, Ms. SHEPHERD, Mr. SMITH of New Jersey, Mr. STUMP, Mr. TAUZIN, Mr. TORKILDSEN, and Mr. ZELIFF.

H.R. 163: Mr. LIVINGSTON, Mr. DELAY, Mr. GOSS, and Mr. BARTLETT.

H.R. 166: Mr. STUMP and Mr. GOSS.

H.R. 229: Mr. SWIFT, Mr. NEAL of Massachusetts, Mr. DOOLEY, Mr. DEFAZIO, Mr. HERGER, Mrs. MINK, and Mr. MURPHY.

H.R. 300: Mrs. MEEK, Mr. VALENTINE, Mr. LIPINSKI, Mr. GEKAS, Mr. POMBO, Mr. CLINGER, Mr. LEWIS of California, Mr. BARTLETT, Mr. BARTON of Texas, Mr. McMILLAN,

Mr. YOUNG of Alaska, and Mr. COLLINS of Georgia.

H.R. 301: Mr. BAKER of Louisiana, Mr. ZIMMER, and Mr. GILCHREST.

H.R. 302: Mr. GILMAN, Mr. LEHMAN, Mr. HYDE, Ms. NORTON, Mr. GUNDERSON, Mr. BARTLETT, Mr. FRANK of Massachusetts.

H.R. 304: Mr. KYL, Mr. PENNY, Mr. BEREUTER, Mr. KLUG, Mr. ZIMMER, Mr. TAYLOR of North Carolina, Mr. BAKER of Louisiana, Mr. GRAMS, and Mr. SHAYS.

H.R. 306: Mr. LIPINSKI and Mr. CRAPO.

H.R. 324: Mr. SENSENBRENNER, Mr. PORTER, Mr. DIAZ-BALART, Mr. GRAMS, Mr. DOOLEY, Mr. BAKER of Louisiana, Mr. SMITH of Oregon, Mr. HINCHEY, and Mr. BARTLETT.

H.R. 339: Mr. COMBEST.

H.R. 348: Mr. HOBSON, Mr. TOWNS, Mr. POMBO, Mr. PARKER, Mr. FORD of Michigan, Mr. TORKILDSEN, Mr. WYNN, Mr. SWIFT, Mr. GEJDENSON, Mr. KOPETSKI, Mr. UPTON, Mr. BARTLETT, and Mr. KREIDLER.

H.R. 349: Mr. DOOLEY, Mr. JOHNSON of Georgia, Mr. TAYLOR of Mississippi, Mr. LINDER, Mr. BACHUS of Alabama, and Mr. MAZZOLI.

H.R. 385: Mr. STUMP.

H.R. 396: Mr. MCHUGH.

H.R. 410: Mr. PARKER, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. ARMEY, and Mr. CALLAHAN.

H.R. 412: Mr. DUNCAN and Mr. SOLOMON.

H.R. 419: Mr. EVANS, Mr. HOBSON, Ms. WOOLSEY, Ms. NORTON, Ms. PELOSI, Mr. BLACKWELL, and Mr. HINCHEY.

H.R. 441: Mr. MANN and Mr. BEREUTER.

H.R. 465: Mr. SHAYS.

H.R. 490: Mr. DORNAN, Mr. HUTTO, Mr. MCDERMOTT, Mr. FLAKE, Ms. BYRNE, Mr. FRANK of Massachusetts, Mr. MCHUGH, Mrs. MEEK, Mr. SANDERS, Ms. SNOWE, Mrs. MORELLA, Mr. CLYBURN, Ms. WOOLSEY, Mr. APPLEGATE, Mr. COLEMAN, Ms. E.B. JOHNSON, Ms. BROWN of Florida, Mr. CARDIN, Mr. LEVIN, Ms. MOLINARI, Ms. DANNER, Ms. PELOSI, Mr. RAHALL, Mrs. LLOYD, Mrs. SCHROEDER, Ms. SHEPHERD, Mr. TUCKER, Mr. OBERSTAR, Mr. SCHUMER, Mr. VALENTINE, Mrs. COLLINS of Illinois, Mrs. VUCANOVICH, Mr. FAZIO, Mr. DELLUMS, Mr. MORAN, Mr. PETERSON of Florida, Mr. CONYERS, Mr. FROST, Mr. EVANS, Miss. COLLINS of Michigan, Mr. BARRETT of Wisconsin, Mr. RUSH, Mr. FILNER, Mr. BONIOR, Ms. MARGOLIES-MEZVINSKY, Mr. COX, Mrs. CLAYTON, Mr. HOYER, Mr. HINCHEY, and Mr. EMERSON.

H.R. 498: Mr. BROWN of California.

H.R. 509: Mr. BAKER of Louisiana, Mr. DELAY, Mr. THOMAS of California, Mr. SKEEN, and Mr. BARTLETT.

H.R. 519: Ms. MALONEY, Ms. PELOSI, Mr. BERMAN, Mr. STARK, Mr. ANDREWS of Maine, Ms. BYRNE, Mr. HASTINGS, Mr. COLEMAN, Ms. NORTON, Mr. BLACKWELL, Mr. WYNN, Mr. FILNER, and Mr. MILLER of California.

H.R. 526: Mr. APPLEGATE, Mr. BLACKWELL, Mr. FOGLIETTA, Mr. HILLIARD, and Mr. REED.

H.R. 544: Mr. BLACKWELL, Mr. RUSH, Mr. GUTIERREZ, Mr. SKAGGS, Mr. RANGEL, Mr. BATEMAN, Mr. SCOTT, and Mr. WYNN.

H.R. 546: Mr. KREIDLER, Mr. HOBSON, Ms. NORTON, Mrs. THURMAN, and Mr. GORDON.

H.R. 561: Mr. BREWSTER, Mr. GILLMOR, Mr. POMBO, Mr. MCDADE, Mr. SARPALIUS, and Mr. LIGHTFOOT.

H.R. 562: Mr. EMERSON, Mr. LIGHTFOOT, and Mr. DOOLITTLE.

H.R. 563: Mr. MCHUGH, Mr. INGLIS, Mr. EMERSON, Mr. LIGHTFOOT, Mr. PORTER, and Mr. DOOLITTLE.

H.R. 565: Mr. PORTER, Mr. ROHRABACHER, Mr. COX, Mr. HERGER, Mr. EWING, Mr. SOLOMON, Mr. GENE GREEN, Mr. MCMILLAN, Mr. BARTLETT, Mr. BATEMAN, Mr. ARMEY, Mr. STUMP, Mr. SCHIFF, Mr. ZELIFF, Mr. BAKER of Louisiana, and Mr. PENNY.

H.R. 567: Mr. GRAMS.

H.R. 571: Mr. PAXON, Mr. ZIMMER, and Ms. NORTON.

H.R. 630: Mr. WALSH, Mr. LEVY, Mr. CLYBURN, Mr. TOWNS, Mr. EVANS, and Mrs. JOHNSON of Connecticut.

H.R. 667: Mr. SMITH of Oregon, Mr. FAWELL, Mr. GINGRICH, Mrs. MEYERS of Kansas, Mr. CANADY, and Mr. KNOLLENBERG.

H.R. 697: Mr. BLACKWELL, Mr. DE LUGO, Mr. EVANS, Mr. GEJDENSON, Mr. GUTIERREZ, MR. HILLIARD, Mr. MFUME, Mr. RUSH, Mr. SABO, Ms. WOOLSEY, Mrs. MORELLA, and Mr. MARTINEZ.

H.R. 723: Mr. GALLEGLY.

H.R. 726: Mr. FRANK of Massachusetts.

H.R. 739: Mr. DOOLITTLE, Mr. LIPINSKI, Mr. SANTORUM, and Mr. BARTLETT.

H.R. 749: Mr. DOOLEY, Mr. KLUG, Mr. BOEHLERT, Ms. BYRNE, Mr. DORNAN, Mr. PARKER, Mr. FRANK of Massachusetts, and Mr. CALVERT.

H.R. 762: Mr. FROST, Mr. SOLOMON, Mr. SANTORUM, Mr. BARLOW, and Mr. LIPINSKI.

H.R. 777: Mr. BAKER of Louisiana, Mr. LEACH, Mr. SOLOMON, Mr. TORKILDSEN, Mr. GUNDERSON, Mr. SAXTON, and Mr. BARTLETT.

H.R. 799: Mr. FRANKS of Connecticut, Mr. LAROCCO, Ms. LONG, Mr. HOKE, Mr. GUNDERSON, and Mr. MANZULLO.

H.R. 870: Mr. TUCKER, Mr. LEACH, Mrs. COLLINS of Michigan, Mr. BLACKWELL, Mr. CLAY, Mr. BARTLETT, and Mrs. KENNELLY.

H.J. Res. 6: Mr. BILIRAKIS, Mr. ROMERO-BARCELÓ, Mr. KREIDLER, Mr. EMERSON, Mr. MONTGOMERY, Ms. BYRNE, Mr. RANGEL, Mr. BEVILL, Mr. POSHARD, Mr. MAZZOLI, Mr. MINETA, Mr. HAMILTON, Mr. HUTTO, Mr. VENTO, Mr. DORNAN, Mr. HENRY, Mr. BARTLETT, Mr. FRANK of Massachusetts, Mr. BONIOR, and Mr. SUNDQUIST.

H.J. Res. 10: Mr. APPLEGATE, Mr. LEHMAN, Mr. EDWARDS of California, Mr. RANGEL, Mr. HAMILTON, Ms. NORTON, Mr. REGULA, Mr. DOOLITTLE, Mr. CRAMER, Mr. HUTTO, Mr. COYNE, Mr. BLILEY, Mr. MCCOLLUM, Mr. ROEMER, Mr. RAHALL, Mr. ORTON, Mr. DELLUMS, Mr. SCOTT, Mr. TAUZIN, Mr. STARK, Mr. CLEMENT, Mr. MINETA, Mr. FALEOMAVAEGA, Mr. LANTOS, and Mr. NUSSLE.

H.J. Res. 22: Mr. EMERSON, Mr. BEVILL, Mr. HUNTER, Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. BACHUS of Alabama, Mr. DORNAN, Mr. MCHUGH, Mr. SAM JOHNSON, Mr. BARTLETT, and Mr. LAUGHLIN.

H.J. Res. 58: Mr. SARPALIUS.

H.J. Res. 101: Mr. SMITH of Michigan.

H. Con. Res. 3: Mr. MCNULTY and Mr. SANTORUM.

H. Con. Res. 6: Mr. DOOLEY, Mr. CANADY, Mr. PETE GEREN, Mr. ORTON, and Mr. HOKE.

H. Con. Res. 15: Mr. LANTOS, Mr. VALENTINE, Ms. WOOLSEY, Ms. NORTON, Mr. HILLIARD, Mr. BLACKWELL, Mr. WYNN, Mr. GLICKMAN, Mr. GUTIERREZ, and Mr. JEFFERSON.

H. Con. Res. 21: Mr. EMERSON, Mr. CLEMENT, Mr. FILNER, Mr. BEREUTER, Mr. BILBRAY, Ms. WOOLSEY, Mr. HOBSON, Mr. RANGEL, and Mr. WALSH.

H. Con. Res. 29: Mr. SOLOMON, Mr. BAKER of California, Ms. NORTON, Mr. CANADY, Mr. HILLIARD, Mr. KILDEE, and Mr. MANZULLO.

H. Con. Res. 36: Mr. RANGEL and Mrs. KENNELLY.

H. Res. 16: Mr. BARTLETT.

H. Res. 35: Mr. GALLEGLY, Mr. OLVER, Ms. BYRNE, Mr. FRANKS of New Jersey, Mr. SHAYS, Mrs. KENNELLY, Mr. PENNY, Mr. BEILENSON, Ms. SLAUGHTER, Mr. LIPINSKI, Ms. MALONEY, Mr. CARDIN, and Mr. HINCHEY.

H. Res. 40: Ms. FURSE, Mr. MCDERMOTT, Mr. FROST, and Mr. SLATTERY.

H. Res. 41: Mr. BARRETT of Wisconsin, Mr. NEAL of North Carolina, and Mr. TORKILDSEN.

H. Res. 49: Ms. FOWLER, Mr. HANCOCK, Mr. DORNAN, Mr. ARMEY, and Mr. BAKER of Louisiana.

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. 25: Mr. SMITH of Oregon.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12. By the SPEAKER: Petition of Graphic Communications International Union, Seattle, WA, relative to the health care crisis; to the Committee on Energy and Commerce.

13. Also, petition of the Ambassador, Embassy of Austria, relative to an International War Crimes Tribunal for the former Yugoslavia; to the Committee on Foreign Affairs.

SENATE—*Tuesday, February 16, 1993*

(Legislative day of Tuesday, January 5, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Let us pray.

God, our Father, we thank Thee for the recess with its opportunity for work and family time, for rest and recreation. And we thank Thee for safety in travel.

Now the Senate faces enormous problems which threaten the future of our Nation. You have promised, "If any of you lack wisdom, let him ask of God, that giveth to all (men) liberally, and upbraideth not; and it shall be given him."—James 1:5.

Grant to the Senators the gift of humility that they may acknowledge the limitations of human ability, ask for divine wisdom which transcends the human, and accept it freely. Lead them to clear understanding of the issues and adequate solutions.

Gracious Father, guide President Clinton in his counsel and deliberations, that he, with the Congress, will discover and agree on remedies which will lead America into a bright and promising future.

In Your name, O Lord, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

REV. RICHARD C. HALVERSON

Mr. MITCHELL. Mr. President, I know I again speak for all Senators when I express our gratitude at the privilege of having been joined today by our distinguished Chaplain, the Reverend Richard Halverson, and we look forward to his continued guidance and counsel.

THE SCHEDULE

Mr. MITCHELL. Mr. President, today following the time reserved for the two leaders, there will be a period for morning business until 12:30 p.m. wherein Senators may speak for up to 5 minutes each.

The Senate will recess from 12:30 to 2:15 p.m. in order to accommodate the regular party conference luncheons.

At 2:15 today the Senate will reconvene and begin consideration of Calendar item No. 2, S. 1, the National Institutes of Health Revitalization Act of 1993.

PRIVILEGE OF THE FLOOR—S. 1

Mr. MITCHELL. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following member of my staff, Jane Loeweson, a health fellow, during the pendency of S. 1, the National Institutes of Health Revitalization Act of 1993.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that a letter that I received from President Clinton be inserted at this point in the RECORD.

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

THE WHITE HOUSE,
Washington, February 12, 1993.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: On January 19, 1993, President Bush submitted a report on nuclear testing to the congressional defense committees that purports to respond to Section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377).

Notwithstanding the requirements of Section 507, the report submitted by President Bush did not contain a schedule for resuming the Nuclear Testing Talks with Russia, a plan for achieving a Comprehensive Test Ban (CTB) by 1996, a proposal for incorporating modern safety features recommended by the Drell Commission into U.S. nuclear weapons, or a plan for resuming a limited program of U.S. nuclear testing leading to a total cessation of tests in 1996.

Since the report submitted by President Bush did not comply with the substantial majority of the requirements of this legislation, I have determined that the report has no bearing on the provisions contained in Section 507(c) that prescribe the conditions upon which a limited program of U.S. nuclear testing could be resumed after July 1, 1993.

During my campaign, I supported the compromise on nuclear testing contained in Public Law 102-377. My Administration is currently preparing to review questions relating to the forum and modalities for negotiating a CTB and the related question of resuming a limited program of U.S. nuclear testing after July 1, 1993, as provided for under this legislation. I will submit a report pursuant to Section 507 of Public Law 102-377 as soon as this review is complete.

Sincerely,

BILL CLINTON.

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I yield now to the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the remainder of the majority leader's time is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the order.

THE REVEREND RICHARD C. HALVERSON

Mr. DOLE. Mr. President, first let me join the majority leader in expressing our best wishes to the distinguished Senate Chaplain, Chaplain Halverson, welcoming him back to the Senate, and I wish him every wish for good health in the days and months ahead.

THE PRESIDENT'S ADDRESS

Mr. DOLE. Mr. President, I just wanted to take a minute or two to indicate what we hopefully have done in a responsible way on this side of the aisle, that we are looking forward to President Clinton's address to the Nation and when he addresses a joint session of Congress tomorrow evening. No doubt about it—the American people, whether Democrats or Republicans or Independents, have indicated that they want action; they want the deficit dealt with. So does this Senator. So does every Senator in this Chamber on either side of the aisle.

The President has been working closely with Democratic leaders, and I understand that is probably why he has not asked for advice from the Republican side but, notwithstanding that, we are prepared to be helpful where we can, particularly when it comes to spending restraint and if in fact President Clinton is serious about cutting spending, other than just cutting defense, then I believe he will have substantial support on the Republican side.

On the tax side, if reports we are receiving are accurate it is going to be a big, big tax package. Some people will have the opportunity to have their taxes increased not once but three or four or five times.

But what started out as a campaign promise to tax those of $200,000 or more, last night President Clinton said $100,000 and then today his communications director, Mr. Stephanopoulos,

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

said anybody over $30,000 would feel the tax increase.

So I just suggest that while there will not be any middle-class tax cut, it is pretty obvious there is going to be a middle-class tax increase. Maybe, and I would support the President, that can be justified if in fact the sacrifice is fair and it is shared and it is across the board, starting with the Government, not with the people but starting with the Government.

With reference to the stimulus package, another part, a separate part of the overall Clinton program, it is difficult for this Senator to understand how you, on the one hand, can have a stimulus, an economic stimulus in a $5 to $6 trillion economy with a $15, $18, $30 billion stimulus which will add to the deficit, how you can do that and increase the deficit without having some impact on the economy.

The stock market is down 60 points right now. Maybe that will neutralize by the time the stock market closes. But it is an indication that some are not rallying or at least they are not particularly encouraged by what they see. Based on a preliminary estimate if we are going to create 300,000, 400,000, or 500,000 jobs, nobody knows where the jobs are going to come from, allowing them to be created. Who will have the jobs? Will the jobs be in the public sector or the private sector? Maybe that can be done without an economic stimulus package and without the additional tax on corporations.

Keep in mind that a lot of people with incomes of $100,000 are not just individuals. They are sole proprietors, partners that are making business, creating capital, creating jobs. That may be a stimulus package not to raise everybody's tax. But according to present indications if 300,000, 400,000, or 500,000 jobs are created, it would not be I think a big exaggeration. We figured it would cost about $62,000 per job. I am not certain what kind of job it is, government job or a temporary job. It may not be a job that will do much for the economy.

I would say, finally, that patriotism is not defined by suggesting if you do not support tax increases you are not patriotic. My view is most Americans would be prepared to support tax increases if in fact the tax increases are coupled with genuine, real, meaningful spending restraints.

So I would hope, as we get into this debate and it is very early—I do not disagree with the majority leader. He said let us see the details before we start making specific recommendations. But since the President has made general statements without talking about specifics, it seems to me that we need to keep an eye on precisely what all these tax increases will do for the economy.

My view is tax increases do not create many jobs, do not help the economy. The Bush recovery is well under way. Last quarter growth was 3.8 percent; productivity is up 2.1 percent; car sales are up; mortgage interest rates are down. We did create about 1½ million jobs this past year.

So there are a lot of good signs out there that indicate to many of us and many economists that the last thing we need to do is increase the deficit, whether it is through a stimulus package or whatever.

So I would say to the President—and we have invited him to come speak to the Republican Senators at a policy luncheon. It is my understanding he may do that on about March 2. We certainly welcome President Clinton. We want him to persuade us, if he can, that this is the right way to go. It is a very important challenge for the President of the United States. He has a big, big responsibility. And wherever we can, we ought to be willing to cooperate with him.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the 3 minutes and 50 seconds of Mr. DOLE'S remaining time is reserved.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague, the distinguished Republican leader, for his offer of cooperation with President Clinton and the new administration.

It is very clear that our Nation has been moving in the wrong direction over the past 12 years. The national debt has quadrupled during that period; that is, increased by 4 times what it was in 1980. Deficits have reached record high in each of several of recent years and, at the same time, the rate of job creation has been the slowest and the lowest in the past 60 years.

I agree wholeheartedly with the observations of my colleague, Senator DOLE, about the importance of creating jobs in the private sector as opposed to Government jobs.

One of the concerns that I had over the past 4 years of the recent administration is that the only area of the economy in which jobs grew was in Government jobs and, in fact, there was a decline or, at best, a stagnant level of jobs in the private sector.

I believe that the program to be presented tomorrow evening by President Clinton will seek to correct that deficiency; that is, will seek an economic policy that is different from the policy pursued in the last few years to produce a result that is different from the last 4 years, we can now get to the creation of jobs in the private sector, and not just the creation of jobs but increases in the incomes of Americans.

So, instead of having the only area of job creation be in Government jobs, as has been the case in the last 4 years, we can now get to the creation of jobs in the private sector, and not just the creation of jobs but increases in the incomes of Americans.

One of the most distressing results of the past 12 years has been the decline in the income of average working Americans. But for the entry of so many spouses—wives entering the workplace for the first time, out of economic necessity—there would have been a dramatic decline in the average incomes of most Americans. The only people whose incomes rose appreciably over the past 12 years were those, of course, at the very top of the income scale. The very wealthiest of Americans saw spectacular increases in income, while the incomes of most Americans, and those who were certainly wage-earning Americans, actually declined.

So I think the objective of President Clinton's program will be to reverse the economic policies of the past 12 years; to reverse the economic results; to get back to job creation in the private sector, not job creation in the Government; and to get back to rising American incomes, not declining American incomes.

I think the President's program will be tough. It will be fair. It will ask for sacrifice from all Americans. But I think Americans are ahead of we politicians in that regard in that they are prepared to sacrifice if they believe the sacrifice will produce a beneficial result for their children and for their country.

I think that is what the President's program is looking toward—the future—not just what is good for those of us standing here today or those of us living today, but what is good for our children, our grandchildren, and their grandchildren.

As we look to the future, it is important that we lay the foundation for the kind of sustained economic growth, private sector job creation, and rising incomes that Americans need. That cannot be possible unless we address the increasing budget deficit.

We cannot continue the policies of the past 12 years which produced a quadrupling of the Federal budget deficit. That is why the President will ask Americans to contribute, to make those sacrifices needed to lay the foundation for future prosperity.

And, as the President indicated last night, it will be equitable. Those who are most able to contribute should contribute more. Those who are less able will be asked to contribute less.

That is, of course, a reversal of the policies of the past 12 years in which those who had less were asked to contribute more and those who had more were asked to contribute nothing. I think that will produce a groundswell of support among the American people, because it will be fair, it will be tough, it will be forward looking, and it will

be what we must do to improve the American economy.

So I genuinely look forward to cooperation with our colleagues. As we all know, every one—every single Member of this Senate—wants to do what is right for the country.

Our differences are in defining what is right, in knowing what is right. And there are honest and legitimate and reasonable differences of approach in that regard. I expect that we will debate them over the coming weeks. I hope we can do it in the spirit and atmosphere that produces the result that we all seek. And that is a better country, more opportunity, more jobs, and better paying jobs for our country in the future.

So I look forward to working with the Republican leader and with all of our colleagues in that effort.

Mr. DOLE. Mr. President, if I could just take 1 minute.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. DOLE. Mr. President, I do not like to disagree with the distinguished majority leader, but I just want to set the record straight about the past 12 years. We have had great economic growth during those 12 years, unparalleled growth; I do not know how many months, 73, 74 months of unparalleled growth.

I remember when we passed the 1986 tax bill, it was heralded by Democrats and Republicans as the greatest thing that happened in this century. Some of the strongest proponents are on the floor right now.

So I suggest in those 12 years, the Democrats have controlled the house and for six of those 12 years they have controlled the Senate. And so I just did not want all the blame to fall on President Reagan, who is no longer here in Washington, or President Bush, who is now in Houston.

But we will do the best we can to sort of balance the record in our debate, and we will probably have a lot of debates on this in the future.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that morning business be extended until 12:45 p.m., under the same limitations as previously ordered, with the exception that Senator BRADLEY be recognized for up to 15 minutes, Senator PRYOR for up to 10 minutes, and Senator LUGAR for up to 5 minutes.

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

Mr. BRADLEY addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from New Jersey [Mr. BRADLEY], is recognized for not to exceed 15 minutes.

"DON'T STOP THINKING ABOUT TOMORROW"

Mr. BRADLEY. Mr. President, 1 month ago, we inaugurated a new President—a Democrat who takes office after 12 years of Republican rule. The two words that characterized his mandate are change and hope. People knew they needed a change, and President Clinton instilled a sense of hope in millions of Americans. Since that night he accepted the nomination last summer in Madison Square Garden, a song kept running through the minds of millions of Americans: "Don't Stop Thinking About Tomorrow," by Fleetwood Mac. It was meant to convey optimism and hope in a memorable way.

Yet, if you think about it, the message was contrary to our reality. It is not that we have been thinking of tomorrow, and we have to avoid stopping. Rather, in the most obvious ways, we have not been thinking about tomorrow.

One of Aesop's fables says it best:

> It was wintertime; the ants' store of grain had gotten wet, and they were laying it out to dry. A hungry [grasshopper] asked them to give it something to eat. "Why didn't you gather food in the summer like us?" the ants said. "I hadn't time," the grasshopper replied. "I was busy making sweet music." The ants laughed. "Very well," they said, "since you piped in the summer, now dance in the winter."

Moral of the story: in everything, beware of negligence, if you want to escape distress and danger.

Not thinking about tomorrow means being negligent, acting like the grasshopper instead of the ant. Too many of us have been grasshoppers for too long.

Just think about urban America. Each year it gets poorer, more violent, more populated with families in distress. If we stop and think about this reality, we would be compelled to act because of morality—if you are your brother's keeper, you got to walk your talk; because of self-interest—we will never compete and our living standards will be lower with a larger and larger unskilled population on our collective back; and because of world leadership—we can't lead the world as a pluralistic democracy with events such as the Los Angeles disturbances popping across television screens from Tokyo to London and 40 percent of our voting-age population denied the right to vote, even if they arrived at the polls and wanted to vote. Clearly, if we were thinking about tomorrow, we would see the human and national tragedy that is building in our cities; we would see it and then act to change these conditions. But we have not. Like the grasshopper, we have been playing our sweet music in the suburbs while things got worse.

And then there is the plight of our children—not just poor children but all children. How can we be thinking about tomorrow and continue neglecting our children? In 1975, one-third of married couples with children had both spouses working. In 1992, the percentage doubled to nearly two-thirds. Without that second paycheck, many families just would not make it. Yet with it, their children are often alone, without supervision, from an early age.

Parents in this Chamber know the pressures. I do. If you are lucky, a loving relative in the neighborhood is there and can assure the care. If you are upper income, you can hire someone to provide full-time care. If you do not have enough money or a loving relative nearby, then it becomes more difficult. There are only a few possible answers. For a spouse of either gender to have the option of staying home, the salary for the one earner has to be much higher; or companies will have to give family leave measured in years, not weeks; or all of us will have to pay more taxes so the Government can subsidize day care at the company, the union, the neighborhood center, or the church, or synagogue or mosque. The only given is that someone has to provide loving care. But too often no one does because as a society we have not made child care a priority. We are like the grasshopper dancing toward winter. That is not thinking about tomorrow.

Between 1980 and 1987, consumer credit increased 95 percent. People under economic stress did not consume less; they borrowed and consumed more, or they borrowed to speculate. By 1989–90, the bubble had burst. People cut back. Businesses started to pay debt down. In New Jersey, we are coming out of this 4-year recession, in part because the State acted responsibly and made tough choices. Here in Washington, the bubble has never burst; it just keeps getting bigger and bigger. The net national debt in 1980 was around $900 billion. Tonight the net national debt is over $3 trillion. Fifty-eight percent of all personal and corporate savings goes to finance the interest on that debt. It is as though in 1980 you owed $10,000 on your credit card, and now you owe $30,000. The interest you have to pay is money you do not have to spend on college for your kids, a new addition for your home, or saving for retirement. We have put a burden on each one of our children—a burden that endangers what we have come to think of as an American birthright—and that is that your children would have a standard of living higher than you do. In fact, a General Accounting Office report that I commissioned last year reported that if we do nothing about our deficits by 2020, we will have incomes 40 percent lower than they otherwise would be.

A few years ago, we won the gulf war in a triumph of our military technology and leadership, and then to pay for it, we passed the tin cup to our allies. The end of communism in the

former Soviet Union and the end of the Soviet Union itself offer the potential to transform our prospects, yet unlike right after World War II, we cannot afford the cost of real leadership. Last April Los Angeles exploded, while 20 other cities simmered, and the Federal response was very few words and zero dollars. Workers lose their jobs with America's giants—AT&T, IBM, Sears, General Motors—and with them often their health care, their pensions, and the prospect of another good job. They are told do not look to Washington, because the Government is nearly bankrupt.

The time for passing the buck is over. There can be no more excuses by politicians who are afraid to make the same decisions that millions of Americans and hundreds of American corporations have had to make in the last several years—to eliminate excess, however small, to live within our means, to become more productive—all as the first step in regaining control over our lives. For those who say the debt is not that big to worry about, or yes, let us cut but not now, I remind them that I first heard those excuses in 1981 when the deficit was one-fourth of what it is today. For those who say growth is more important than the deficit, I agree. But then I would ask them to tell me how we get sustained long-term growth without reducing the deficit. The time of magic cures and fanciful theories is past. It is back to basics.

Putting the economy back on track will not be easy, nor painless, and there are many parts in a strategy. To reduce the deficit, there should be nothing that is off limits. Yet not everything should be cut. Those who can sacrifice should be called upon to sacrifice, and all of us should give something to be a part of the solution, but some spending should be increased, such as public investment that creates jobs. But, I cannot imagine reducing the deficit sufficiently without reducing entitlements, raising taxes, and cutting defense. If that fact does not give every Senator and Congressman heartburn, nothing will. It will test the civility and knowledge of our people as nothing has before. It will be a field day for demagogs, who will try to divide group against group for narrow purposes. Still, it has to be done. I urge President Clinton—and compliment him—and hope that by spring he will put on each legislator's desk the vote of that legislator's lifetime. The grasshopper's sweet music must stop. Nothing less will save our future.

In each of these areas—urban America, children, and the debt—I think we have lost our way for a deeper reason. We have allowed ourselves to become isolated from each other, locked in our own world unwilling to go into the public square together. Detachment and denial have to end. The cycle simply must be broken for our children's sake and for our ability to lead in the world.

You know something? I believe we can do it. As President Clinton said in his inaugural address, "There's nothing wrong in America that can't be fixed by what's right about America."

Each of us probably knows someone who is part of what is right about America. In my home State of New Jersey, that means people such as Kathy DiChiara, who started feeding the hungry out of the back of her stationwagon and now runs the Community Food Bank of New Jersey, which distributed nearly $23 million of food last year; Earl Mail and Jerry Minor, the union president and plant manager of the Ford Edison plant, who in 1986 took a plant that was close to last in efficiency, quality, and customer satisfaction and turned it into one vying for first place in the country; or Christine Bartram of Tinton Falls, who in the course of a decade went from gopher to the owner of the $4 million-a-year-in-sales marketing firm, Lanmark Group Inc.

Ultimately, though, it is not a matter of knowing someone; it is a matter of being part of what is right about America. The question that every American can ask himself or herself today is: Are you a part of what is right about America? Only you with your conscience and your mind can answer that question. Only you will determine whether you turn your back on urban America or engage in the effort to understand it and to help; only you know if you have spent enough time with your kids or fought for the support needed to allow you to spend more time with your kids; only you know if you truly are willing to give up a little income now for yourself so that we can all have more income later. Government in all its human vulnerability got us into some of these problems—no question about that—but not all of them. And it will take government and each of us to get out.

Over the last several weeks, I received—like many Senators—thousands of calls on Zoe Baird and on the President's effort to eliminate gays in the military, just as I received thousands of calls and letters during the Anita Hill-Clarence Thomas hearings. It is too early to be sure, but we might be seeing examples of a newly engaged and energized citizenry. Maybe it was the President's campaign, or Congress' excesses, or the neglect of the last decade, or the seriousness of our times—but people want to be heard in a new and compelling way. Washington commentators, stunned by the public participation, asked each other, "Is it possible the people really count?" The answer is yes, the people count—for everything. That does not mean in every case a Representative should allow his phone or mail log to determine his vote, but what it does mean is that an engaged citizenry over time can shape the direction of the country through their Representatives. That is the ultimate source of change and of hope—not in any one public official, but in the people themselves and in the growing realization that they can, if they choose, force us to think today, beyond narrow interests, beyond denial; the growing realization that they can force us to face up to our problems and to really start thinking about tomorrow.

I yield the floor.

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

Mr. PRYOR addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. PRYOR], is recognized for not to exceed 10 minutes.

Mr. PRYOR. Mr. President, I would like to compliment my friend from New Jersey, the distinguished senior Senator from New Jersey, who I had the privilege of coming to the Senate with and who I have had the privilege of watching as he has developed as one of the leading Members of this body.

Mr. President, in keeping with his usual habit, he has presented to us a thought-provoking message. I want to compliment the distinguished Senator, and I am very proud that I had the opportunity to hear his remarks.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 356 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Indiana [Mr. LUGAR], is recognized for not to exceed 5 minutes, and without objection the morning business period will be extended accordingly to accommodate him.

Mr. LUGAR. I thank the Chair.

RATIFICATION OF THE START I TREATY

Mr. LUGAR. Mr. President, I want to take a moment of the Senate's time to record a momentous event in the history of the newly independent States of the former Soviet Union and one that contributes significantly to the national interests of the United States. I refer to the ratification of the START I Treaty by the Parliament of Belarus and the approval of that country's accession to the Nuclear Non-Proliferation Treaty. Indeed, Belarus constitutes the first State in history to formally renounce all of its nuclear arms.

Moreover, Belarus has already signed an agreement with Moscow to transfer all 81 of its SS-25 missiles to Russia for dismantlement by the end of 1994.

The Government of Belarus and the Members of its Parliament have made good on the commitments that they undertook in the Lisbon protocol of

May 1992 and in the Government's letter to President Bush. To quote the Foreign Minister of Belarus: "Today Belarus has ratified, voluntarily, consciously, and in a civilized manner, the most important of international legal accords as a legal successor to the Soviet Union."

The Parliament voted 218 to 1, with 60 abstentions, to approve the treaty. Not only have the Government and Parliament demonstrated the seriousness with which the country views its international obligations but it did so in a democratic fashion, after due consideration and debate.

Mr. President, this action was not an easy one. Many questions remain unresolved with respect to the transfer of nuclear systems from Belarussian soil back to Russia. It is no simple task to coordinate the removal of the missiles or to define the status of the weapons in Belarus. Moreover, the costs of assisting service personnel in procuring alternative forms of employment and housing are substantial.

Nonetheless, the Parliament of Belarus has ratified the START I Treaty and approved the country's adherence to the NPT. The Government, the Parliament, and the people of Belarus deserve the thanks of the American people. But they deserve more than that. They deserve our assistance, and I will be working with my colleagues in the Congress and with the administration to see to it that appropriate forms of assistance are offered to Belarus.

Mr. President, I was recently in Belarus and held numerous conversations with officials in Minsk. The Chairman of the Supreme Soviet told me and Senator NUNN in a very straight-forward fashion that Belarus would honor its international commitments. True to his word, Belarus has done so. And in so doing it has earned our respect, our gratitude, and our assistance.

Mr. President, there are several areas on which immediate discussions among officials from Belarus and the United States over appropriate forms of assistance might focus. One area obviously has to do with assistance to expedite the transfer of the SS-25's and their nuclear warheads to Russia by the end of 1994, per the agreement between Russia and Belarus. A second and related area of assistance has to do with an equitable share of the proceeds to be obtained by the sale of the United States of the weapons-grade uranium to be extracted from the warheads as they are dismantled on Russian soil. A third area wherein the United States can be helpful relates to assistance in the relocation and housing of elements of the strategic rocket forces that will be returning to Russia along with the nuclear systems. And a fourth area concerns environmental cleanup in the aftermath of the Chernobyl disaster, a disaster that affected Belarus and its people much more than any other nation in Europe.

And last, Mr. President, we need to explore various forms of financial and monetary assistance to Belarus, a country that has pledged to work closely with the IMF in transforming its economy. Indeed, I would go so far as to recommend that the new administration give serious consideration to the establishment of a Belarus-United States Enterprise Fund, modeled after the highly successful bilateral enterprise funds we have developed with Poland, Hungary, and the Czech and Slovak Republics.

Mr. President, we still have a long road to travel before the historic START I and START II treaties can be implemented; numerous obstacles must be overcome before we can proceed to the actual physical destruction of the systems covered by these agreements. Belarus has shown the way, and it now falls to the United States, whose national security interests are furthered by such Belarussian action, to demonstrate in concrete ways that it is prepared to assist in the furtherance of Belarussian interests.

EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the period for morning business be extended by 5 minutes.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RTC PAYS $35 AN HOUR FOR PHOTOCOPYING

Mr. CONRAD. Mr. President, I rise today because of a story that appeared in the Washington Post on the 13th with respect to the RTC. I want to draw the attention of my colleagues to this, because I think the RTC needs to be brought up short, Mr. President.

The story indicates that the RTC has been paying $35 an hour for photocopying—$35 an hour, Mr. President. A lot of folks in my State, I am certain, and a lot of folks in the State of the distinguished President pro tempore, would like to be paid $35 an hour to photocopy.

Mr. President, the Resolution Trust Corporation, according to this story, has been paying as many as 1,300 people a rate of $35 an hour to photocopy. It would seem to me, if this were drawn to the attention of an agency, that they were paying $35 an hour for a total bill that is going to run $25 to $30 million for photocopying, that agency would react swiftly, promptly, and aggressively to stop it.

What is the answer from the RTC? It is really quite a remarkable answer, Mr. President. The RTC spokesman said that if the fees the agency paid were excessive, "we would certainly be interested in bringing those down."

Mr. President, if the fees are excessive? I mean, this fellow has taken a flight of fantasy here. There is no question about whether $35 an hour for photocopying is excessive. Anybody with an ounce of common sense knows that $35 for photocopying is excessive. Unfortunately, Mr. President, this pattern has repeated itself over and over again with the RTC. This is the greatest financial fiasco in our country's history. It should never of been done in this way. And over and over, the RTC displays insensitivity, and perhaps even contempt, for the people who are footing the bill—the taxpayers of this country.

Mr. President, the RTC should know that they are in trouble because of mismanagement like this. I hope my colleagues will let them know that this is totally unacceptable, and they need to be sent a message that they have to get their costs under control, because the taxpayers of this country should not be asked to spend one penny more than is necessary to clean up the S&L fiasco.

I yield the floor.

DEATH OF CLINT FULLER SADDENED COUNTLESS FRIENDS

Mr. HELMS. Mr. President, an obituary in the February 8 Raleigh, NC, News and Observer was headed, "Clint Fuller, ex-aide to Helms," and was reporting the death of one of the finest friends I ever had.

Clint Fuller was far more than an "ex-aide" to me, although he was certainly a remarkable one for 18 years. He was also a friend to everybody who needed a helping hand, and he was loved by countless thousands of people in North Carolina and other States because he was genuine—a rarity in a superficial age where honor and service to others are too often dismissed as yesterday's passing fancy.

There was never a hint of superficiality about Clint Fuller, whether in North Africa in 1943, or editing his hometown newspaper, the Franklin Times, or serving this Senate. Clint unyieldingly held to his belief that God and country, and duty to others, were not out of fashion. He conveyed to everyone a unique sense of selflessness and dignity. To the scores of young men and women who flowed through our offices in the last two decades, Clint Fuller was both a father figure and mentor. No problem was too great; and no person was too small. Clint always offered a considerate word and an offer of help and comfort.

As the throng paid their final respects to Clint Fuller at the rural church cemetery not far from Louisburg, NC, I thought of the words on the memorial to the renowned English architect, Sir Christopher Wrenn. Sir Christopher's crowning glory is the

cathedral of Saint Paul in London where in the crypt of that great church stands Wrenn's simple but sublime epitaph: "If you seek this monument look around."

Gathered at that church near Louisburg was Clint Fuller's own monument, the faces of countless young North Carolinians whose lives had been touched by this man's grace and kindness.

Mr. President, I ask unanimous consent that the obituary to which I referred at the outset from the February 8, edition of the Raleigh News and Observer, as well as an editorial from the February 11 edition of the Goldsboro News-Argus be placed in the RECORD at the conclusion of my remarks.

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

[From the Raleigh (NC) News & Observer, Feb. 8, 1993]

CLINT FULLER, EX-AIDE TO HELMS

(By Martha Quillin)

Clint Fuller, for years Sen. Jesse Helms' top aide and former editor of the Franklin (County) Times, died Saturday after a lengthy fight against lung cancer. He was 72.

Mr. Fuller went to work on Mr. Helms' first campaign in the summer of 1972 and became the senator's top aide when Mr. Helms took office in 1973. Before he left the job because of illness in 1991, Mr. Helms said Sunday, Mr. Fuller ran his Washington office like a good manager of a small business: efficiently and with a smile.

"Clint was known and loved by literally thousands of North Carolinians because he was never too busy to extend a helping hand," the senator said. "He didn't mind being called on the weekend and would get out of bed to go to the office if somebody needed him. He was popular all over the state.

"He was very highly respected by his fellow staff members. And to old Jesse Helms, he was one of nature's noblemen. I regarded him as a brother."

Albert Clinton Fuller was born in Henderson on June 14, 1920. He graduated from N.C. State University and served in the U.S. Army Air Corps during World War II.

After marrying Louise Burnette in 1947, he took a job as a meat cutter in his wife's hometown of Louisburg, where their only child, Larry, was born. Later, he bought a supermarket, which he ran for 11 years while working part time as a sportscaster for an area radio station. When the station needed a full-time news reporter, he left the grocery business.

He was hired as managing editor of the Franklin Times in Louisburg in 1964. The newspaper received several press awards under his leadership, and Mr. Fuller was named "Man of the Year" in 1966 by the local Rotary Club for his efforts to improve roads and schools in Franklin County and to attract industry to the area.

During those years, Mr. Fuller was active in the Franklin County Democratic Party. He served as a delegate to state conventions and as county party chairman. He resigned from the post in July 1972 to campaign for Mr. Helms, a Republican. At that time, Mr. Helms was a television broadcaster in Raleigh, and he frequently invited Mr. Fuller to town to serve as a panelist when interviewing political figures.

When he went to work for Mr. Helms, Mr. Fuller said he would not change his party affiliation and would not be active in other Republican campaigns.

"For all I know, he might have been a Democrat the day he died," Mr. Helms said. "I don't know. That's one thing I never ask."

But he said that if Mr. Fuller supported only one Republican in his lifetime, "I'm mighty proud that he supported me."

Mr. Fuller was never enamored of Washington, and said he only moved there because Mr. Helms asked him to. When Mr. Fuller retired, he and his wife moved to Hopewell, Va., where she has a sister. From there, he continued to work as a consultant for Mr. Helms, helping solve problems and acting as a father figure to the rest of the staff, just as he always had, the senator said.

Surviving are Mr. Fuller's wife, Mrs. Louise Burnette Fuller of Hopewell; a son, Larry Fuller of Houston, Texas; and two grandchildren.

Mr. Helms said he will close his office today to attend the funeral, which will be held at 2 p.m. at Lancaster Funeral Home in Louisburg. Burial will be in the Sandy Creek Baptist Church cemetery.

[From the Goldsboro (NC) News-Argus, Feb. 11, 1993]

CLINT FULLER, GENTLE, UNPRETENTIOUS, EFFECTIVE

Constituent service can make or break a public official.

Senator Jesse Helms built a national constituency championing conservative causes.

He also built a record of unsurpassed service to his North Carolina constituency.

Behind that record was gentle, soft-spoken Clint Fuller who served as Helms' administrative assistant until retiring due to poor health in 1991.

Fuller died last Saturday of lung cancer.

He began his work career as a meatcutter in Louisburg and later owned his own supermarket. From there he went into radio as a sportscaster and then into newspaper, becoming managing editor of the Franklin Times.

As an editor he led Franklin County's fight for better schools, good roads and new industry.

He also was chairman of the county's Democratic Party. He held that position until resigning to campaign for his friend Jesse Helms, a Raleigh television editorialist who was running for the U.S. Senate.

When Helms went to Washington, he took a reluctant Clint Fuller with him. Fuller didn't like Washington from the beginning but labored where for almost 20 years out of loyalty to the senator.

If Fuller ever changed his political affiliation to Republican, Helms wasn't aware of it. Nor did he ever campaign for other Republican candidates.

In a city that nourishes pomposity and self-importance, Clint Fuller remained the humble, dedicated employee.

He was at his desk long before most Washingtonians were awake and could be found there on into the evening. Early in the morning or well after normal closing hours, a phone ringing in the office of Senator Helms most likely would be answered by Clint Fuller.

While he worked seemingly endless hours, Fuller never appeared to be in a hurry. He always had time for those who called or came by. He was low-key, disarming. And effective.

For two decades, those of us at the News-Argus who had something needing immediate attention in Washington called Clint Fuller. Apparently, that was the case with many people across the state.

Senator Helms said Fuller was a father image to the rest of the Washington staff. To Helms, and others among us closer to his age, he was more like a close brother. Above all, he was a kind, gentle, remarkable friend.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,172,769,647,100.97 as of the close of business on Wednesday, February 10, 1993.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on deficit Federal spending, approved by Congress, over and above what the Federal Government has collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $16,245.37—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt averages out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America's economic stability be today if there had been a Congress with the courage and the integrity to operate on a balanced budget? The arithmetic speaks for itself.

TRIBUTE TO JUSTICE THURGOOD MARSHALL

Mr. GLENN. Mr. President, I rise today to pay honor and tribute to a great American, Justice Thurgood Marshall, who died on Sunday, January 24, 1993. Heartfelt condolences are extended to his wife, Cecilia, Thurgood, Jr.—a former Senate Judiciary Committee staffer and current legislative director for Vice President GORE—and John and their family.

The lasting legacy of Justice Marshall is firmly rooted in the American experience. When he engineered the dismantling of the "separate but equal" educational system that stained the history of our country, his place in history was already secure.

Four decades ago, Thomas Jefferson's promise "that all men are created

equal" had been ignored to the detriment of African-American children relegated to inferior schools, perpetually denying them opportunity while fostering inferior lives and inferior dreams.

With the singular courage of ordinary citizens: ministers, parents, tenant laborers, and others of the African-American community, Thurgood Marshall and the gifted attorneys, staff, scholars, and volunteers working with the NAACP Legal Defense Fund, designed an engine that could carry the load to desegregate the system of public education in America. Against the best resources, Marshall was able to engage the Warren Court to conform the reality of the American experience with the promises and protections of the Constitution. Regardless of whether others, both blacks and whites, thought that the time was right, Thurgood Marshall kept his eyes on the prize and never faltered.

No passage captures the crux of the dilemma as from Thurgood Marshall's brief in his most famous school desegregation case:

> These infant appellants are asserting the most important claims that can be put forward by children. The claim to their full measure of the chance to learn and to grow and the inseparably connected, but even more important claim to be treated as entire citizens of the society into which they have been born.

The life of Thurgood Marshall was a rich mosaic that will endure as a valuable treasure for Americans. The loving testament to his legacy was demonstrated by the thousands of citizens who made their personal pilgrimage of thanks while he lay in state at the Supreme Court.

As Solicitor General under President John F. Kennedy, Thurgood Marshall added to his illustrious winning record at the Supreme Court, ending with 29 victories out of 32 cases.

When President Lyndon Baines Johnson appointed Marshall as Associate Justice of the Supreme Court in 1967, he again faced Southern white resistance that urged that the time was not right. He did not flinch. He moved forward, and the Nation was forced to reconcile its actions with the Constitution. Thurgood Marshall was eventually confirmed and was the first African-American to serve on the Supreme Court.

A distinguished jurist, Marshall is not just known for his protection of civil rights, but for the protection of individual liberties, whether it pertained to freedom of speech, protection of the rights of the accused, or privacy issues.

There are many lessons that Justice Thurgood Marshall taught us. However, his legacy for us all is that he has left a path that we can still follow to protect the rights of all Americans.

Near the beginning of the brief for the Brown versus Board of Education of Topeka, Kansas cases, Marshall quoted Thaddeus Stevens, a Congressman from Pennsylvania who participated in the floor debate on the 14th amendment.

> Where any State makes distinctions between different classes of individuals, Congress shall have the power to correct such discriminations and inequality. No distinction will be tolerated in this purified republic but what rose from merit and conduct.

Many constitutionally protected rights remain unfulfilled. Minorities and women still endure glass ceilings that deny them equal employment opportunity. As the Los Angeles riots showed, racial harmony is not a reality. We have more work to do.

At his retirement press conference in June 1991, Justice Marshall was asked if the plight of the Negro had improved. His response was to tell a story of a railroad porter that he had met years ago. Justice Marshall said that the porter had been all over the United States "but at no time did he have to look at the back of his hand to know that he was a Negro." Thurgood Marshall said that he still agreed with the porter's remark. In a society that says it is colorblind, that is a telling indictment.

We will miss Justice Marshall's reminders that we are off course. However, the legacy he leaves for us brilliantly illuminates the meaning of the Constitution and all that is America—and all that America should be.

Justice Marshall was also optimistic about America's ideals. He believed—in fact, he knew we could do better and he implored us as a nation to live up to the best of America's promises. At that now famous last press conference, Justice Marshall was asked how he'd like to be remembered. He replied that he'd like it said "that he did what he could with what he had."

Mr. President, what he did was make America better because of who he was.

SOUTH DAKOTA TRANSPORTATION NEEDS

Mr. PRESSLER. Mr. President, earlier this summer, I had the privilege of taking part in a South Dakota highway dedication ceremony, naming South Dakota Highway 37 as the Hubert H. Humphrey Memorial Highway. Senator Humphrey and his wife, Muriel, both took a great interest in South Dakota's transportation network. In fact, Muriel continues to be interested in the rural transportation needs of States like South Dakota. I would like to discuss some of these unique needs today.

Current air travel routes are of great importance to South Dakota. Yearly, hundreds of thousands of passengers use the current air routes through South Dakota. Both Sioux Falls and Rapid City are vital links for interstate air travel. Due to the unfortunate decline of the airline industry, South Dakota has been a victim of routing cuts, leaving South Dakota communities like Aberdeen, Pierre, Yankton, and Watertown cut off from other larger communities. Air service is a vital, time-efficient service for rural citizens. The discontinuation of commuter service, due to the questionable strategies of the major airlines, first and foremost, will adversely affect the rural traveler.

South Dakota has only one passenger train service. It is the 1801 steam engine which runs in the Black Hills. Its purpose is for tourism. This train helps visitors to enjoy the past and experience intimately the scenic beauty of the Black Hills.

On the other hand, South Dakota's commercial railroads provide enormous benefits to our agricultural and mining industries. Without freight service, these two key South Dakota industries could not continue to compete effectively.

Railways are part of the economic lifeline of South Dakota agriculture and mining. The vital interstate commerce linkages South Dakota rails provide could be lost unless greater attention is paid to proper maintenance and improvement efforts. The enhanced transportation infrastructure programs and funding promised by President Clinton should help in that regard.

Where air service is not available within the State, the automobile is the next best option. South Dakota has two federally funded Interstate Systems—I-90 and I-29. They are simple, efficient, and necessary. In addition to the interstates, other Federal and State highways provide an efficient link between smaller communities. A good highway system is an essential mode of transportation for both South Dakotans and interstate travelers. This brings me back to Muriel Humphrey Brown. She agrees with me that a more balanced highway system is good for our region's travelers and our region's economy.

At this point, Mr. President, I ask unanimous consent that a letter from Muriel Humphrey Brown be printed in the RECORD.

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

> OCTOBER 12, 1992.
>
> DEAR SENATOR: Thanks so much for sending your remarks to the CONGRESSIONAL RECORD. It was so very good to see you again and to have you participate in the highway dedication.
>
> The importance of good highways to the South Dakota cities and towns needs to be emphasized. I have a wish that both South Dakota and Minnesota would join in getting a good four-lane Interstate from the Twin Cities through Huron and beyond! The existing "90" and "94" are too far south and north—we need a "92" to go across the middle of our States. Minnesota towns would benefit too!

It would mean jobs and good business!!

Sincerely,

MURIEL.

REV. WADE BLANK, DISABILITY ACTIVIST

Mr. HARKIN. Mr. President, I rise today to mourn the loss of the Reverend Wade Blank of Denver, CO, one of our Nation's leaders in the disability community. Wade, along with his son Lincoln, drowned while vacationing in Mexico. My heartfelt prayers and thoughts are with his wife, Molly and their daughters Heather and Caitlin.

Wade was the founder of ADAPT, a grassroots organization that empowers people with disabilities to engage in direct action protest. ADAPT believes that it is important to force confrontation with authorities to demonstrate that people with disabilities care deeply enough to go to jail for their civil rights.

Prior to the passage of the Americans with Disabilities Act, an omnibus civil rights act that makes it illegal to discriminate against people with disabilities in employment, public services—including buses and other modes of transportation—public accommodations, and telecommunications, ADAPT stood for American Disabled for Accessible Public Transit. After ADA was passed, the group became American Disabled for Attendant Programs Today.

Wade was an activist with a heart. His family included all people with disabilities. Whether Wade was chanting "We will ride" or "Free our people" or "People united will never be defeated" he knew that he must continue to fight for a better America for all people, including those with significant disabilities.

Because of Wade's efforts, all new buses must now be fully accessible. The fight for consumer-driven personal assistance services continues. Today, an intolerable number of people with disabilities who want to live independent lives are forced into nursing homes and institutions and a life of dependency.

We will continue Wade's fight for consumer-driven personal assistance services. I know we will succeed.

Wade, you fought for what is right and just. Your memory will inspire us to carry on.

THE ECONOMY

Mr. DORGAN. Mr. President, tomorrow evening President Clinton will address a joint session of Congress and the American people about an economic plan that he has for this country. My guess is that he will be talking about spending cuts, increases in some taxes, and cuts in other tax proposals. He will probably be talking about the numbers that relate to economic growth in this country and what kinds of signs exist of either economic decline or economic opportunity or growth.

I applaud President Clinton for what I think is courageous effort to try to steer this country back on track. President Clinton is saying to the American people—last evening in his televised address to the Nation, and tomorrow evening in a joint session of the Congress—that there are no easy answers to the country's economic problems. We must make tough choices not to fix what is wrong in this country. A lot of the American people are accustomed to being told by politicians, especially in the 1980's, that you can have it all.

The Laffer curve said, heck, let's lower tax rates for everybody. We will raise more money and eliminate the Federal deficit. Well, the Laffer curve was just that, a laugher and we are stuck with an enormous debt, and a country headed in the wrong direction. And now we have the challenge, with the American people, to set things right.

The Federal Reserve Board gives us the measurements to tell us how we are doing. And I am not convinced the measurements mean very much. The barometer they have tells us about a certain amount of growth here, a certain amount of growth there.

It is interesting that the statistics generated by the Federal Reserve Board could be generated in a bunker by the economists. They need not see reality and need not talk to American families. They just look at their charts and tell us how things are going.

They would tell us, for example, that a car accident is an asset. It produces lawyers, lawsuits, repair bills for the fenders, and hospital bills. That is an asset in the national accounts as measured by the Federal Reserve Board.

The Federal Reserve Board would make no distinction, for example, between the enterprising business person who builds a new plant to produce new products and the business person on the other side who is the shark trying to buy an old plant with debt and take it apart and sell it to make some quick money. Both represent the same standard of wealth as measurements today in this country. And I wonder whether the statistics that are used are not ghosts of a past economy rather than a good barometer of today's economy.

So when President Clinton calls for economic change, my point is, Mr. President, that it is more than just numbers that need to change; more than just taxes and spending that needs to change. The economists will tell us that things are actually getting better in this country and yet you read in the newspaper that IBM, Sears and General Motors are having serious problems, laying off tens of thousands of workers. These are not mom and pop companies that have run into tough times. These are the American economic giants that are facing enormous layoffs and unprecedented economic challenges.

Things are not moving in the right direction in this country and we must change them. This country, sadly enough, has gotten soft in a number of areas. We have become victims and participants, in a way, of the economic hustle: Get rich quick. Separate effort and reward.

It is interesting to me that there is an enormous growth of gambling in this country. There was a recent column by George Will that describes some things I have talked about in recent months. Almost everywhere in America now, the discussion is how do you raise more money. Gambling, lotteries, casinos in State after State after State.

This mirrors a kind of mentality that existed for the last decade in this country. Strike it rich quick without the related effort that your folks taught you and my folks taught me that you must exhibit in order to receive the reward.

I was watching television one evening and the State of Virginia was disclosing on television the winners of the Virginia lotto. It is quite a production. Actually, they have tubes with vacuums and ping-pong balls. The interesting thing about that evening is that as they had these ping-pong balls with numbers come up the tube so we could find out who won the million dollars, the words scrawling across the screen was that Gorbachev had fallen in the Soviet Union. And I thought it is a very interesting mentality in this country that simply rates those words scrawling across the screen because we are trying to figure out who won the lottery. Think of the difference in what is important to our lives: The change in the Soviet Union, the fall of Gorbachev, or the lotto.

I grew up in a town of 400 people, Mr. President. When I was a kid, I used to go watch the blacksmith, and that blacksmith's name was John. He used to hammer white-hot steel into horse shoes and plow shares. And he worked very hard and made a decent living.

John died about 3 weeks ago, which is the reason I was thinking of him. But I was also thinking about how different it has become these days in our country. There is a notion somehow that you can get rich quick and we can separate effort from reward.

In the 1980's, it is very interesting that the bottom and the top of the society were almost perfect mirrors of each other. What was happening in America's streets was happening in the corporate suites. And the lexicon was interesting, as well. Junk. Junk is a euphemism, I guess, a code word for drugs in the street. Junk was the code word for bonds in the corporate suites. And both of them had exactly the same

motive: Get rich quick without much effort. And it injured this country very badly, not just what is going on in the streets but what was going on in the corporate suites.

Now, how do we change all of that? What must we do to fix what is wrong in the country and move ahead?

President Clinton is providing leadership by talking about taxing and spending, but he is going to need much more than that coming from the American people.

His address to the American people last night was refreshing candor from a President who said this is going to be difficult and perhaps it is going to be controversial, but I need your help to ensure a better life for our kids, and for our families. In order to do that, we have to unburden ourselves with some of this debt. This ship of state simply cannot sail when it is full of debt, so we have to unload some.

And he said to the American people, I need your help to do that. Now, the other thing we need from the American people and from the political leaders, from the President and from Congress, is a grit and a determination to get back to basics in our economy. We have to start deciding that we are going to have an economic system that rewards those who produce real things, those that produce new wealth that moves America ahead. Back to basics.

So, you can talk about spending cuts and taxes and so on, but back to basics is an education system in which we educate our kids—not just fill them full of facts but help teach them how to think. One of the basics would be to get families to tell kids to turn off the television set and have families read to the kids. That is a basic, but something we have forgotten all too often in this country.

Another basic is to stop this addiction to debt in our society. Yes, at the Federal level, but debt at all levels. Debt in the corporate sector has grown enormously. Consumer debt has exploded in this country. Bankruptcies in this country have exploded in this country. The addiction to debt must stop if we are going to regain our economic health. How long has it been since anyone heard anyone else say, I am going to have to save up to buy something? That is not the things they discuss these days. You walk past a picture window and the window has advertising on it that says, hey, come over here, customer, I have something you want. I want you to take it right now. You do not have to pay for it for 5 months and we will give you a rebate next week.

The whole notion is part of this addiction to debt. And, yes, it is the Government, but it is more than that.

Next, we have to start thinking about what strengthens us and try to make certain those who make the efforts receive the reward from our factories to our farms. Those that produce real new things ought to share in the economic prosperity in this country. And, most importantly, we ought to try to create an economic system in which there is a premium on production and in which speculation for speculation sake is a liability.

Those are the kinds of economic changes that we must pursue and promote if we really are going to fix what is wrong in the country. Most American families expect that if you work hard and do the right thing there is a connection between what you do and the rewards you will receive or the compensation you will receive.

Having gone through the orgy of greed with leverage buyouts and hostile takeovers and junk bonds in the 1980's, the hood ornament of excess in this society, the American people say I do not understand how there is this disconnection between those of us that work every day and try and do our best and those that have decided that speculation is an important product of what we produce in this country.

So, I wish this President well. I pledge, as one Member of this body, that when this President tries to lead I am going to be there to follow. I hope the American people and my colleagues are with us because this country cannot compete in the long term unless we make fundamental economic changes.

Mr. President, let me make one additional comment about some of those economic changes that I think also relates to this. I have told my colleagues on past occasions that last year the chief economist of one of the largest banks in Japan came to this town and gave a speech. What he said was quite interesting. He said just after 1997 Japan will become the world's largest manufacturing country, and just after the year 2000 he predicted with his economic modeling Japan would become the world's economic leader.

Why? He said because each year in Japan they invest $440 billion more in new plant and equipment than we do here in this country. New plant and equipment means you produce a better product at a lower price—very simple.

Why do they invest that much more in new plant and equipment? Because they save and we borrow. Saving equals investment. Investment equals productivity. And being more productive means you have a better opportunity to win in the international marketplace.

The point is we have to change the way we think and change the way we behave in this country as it relates to debt, savings, investment, the reward for jobs that produce real new things. When we do all of that and then follow the leadership of a President who wants to take us where we have to go for a better future for our kids, then this country will be back on track.

I look forward to tomorrow night's speech by President Clinton. I commend him for his courage. I hope my colleagues and the American people will understand this is not a time to be bickering. It is not a time to be fighting. It is a time to be cooperating to fix what is wrong in America.

Mr. President, I yield the floor.

GENOCIDE IN BOSNIA

Mr. MOYNIHAN. Mr. President, the National Jewish Community Relations Advisory Council, known as NJCRAC, has been meeting in Washington this week. NJCRAC is the largest and most representative North American Jewish constituency organization through which 13 national Jewish organizations and 117 local Jewish community councils jointly determine positions on issues of collective concern.

I spoke earlier today at the NJCRAC plenary luncheon on Capitol Hill and addressed the unfolding tragedy in Bosnia-Herzegovina. The Council's leadership shared with me their plenary resolution which eloquently voices the American Jewish community's anguish over the unfolding Bosnian genocide. This resolution bears witness to the Jewish community's resolve to neither forget nor ignore the lessons of the Holocaust.

I ask unanimous consent that this important moral statement be printed in the CONGRESSIONAL RECORD at this point.

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

RESOLUTION ON THE SITUATION IN BOSNIA-HERZEGOVINA ADOPTED BY THE NATIONAL JEWISH COMMUNITY RELATIONS COUNCIL, NJCRAC PLENARY SESSION, FEBRUARY 15, 1993

The National Jewish Community Relations Advisory Council is appalled by the ruthless and systematic violence that continues to be perpetrated against Moslem and other citizens of Bosnia-Herzegovina. As Jews we are deeply pained by the recurrence of such human tragedy in this century. The United States, as well as the UN and other governments, must take the necessary steps to separate the warring factions, assist them in negotiating a peaceful settlement and restore peace and normalcy to Bosnia-Herzegovina.

In view of the continuing assault on the people of Bosnia by Serbian military and paramilitary forces, and the apparent failure of the conflict to be resolved peacefully in an expeditious manner, the NJCRAC calls upon the Clinton Administration to take the necessary steps, in concert with other governments and the United Nations, to:

Accelerate humanitarian relief efforts;

If there is no progress in the negotiations to end the violence and establish peace, loft the discriminatory arms embargo imposed on Bosnia-Herzegovina. This independent and besieged country must be allowed to obtain the means for self-defense;

Enforce the no-fly zone over Bosnia, and end the siege of Sarajevo and other cities and strategic areas, including the use of limited air strikes;

Investigate all allegations of war crimes in the former Yugoslavia, including mass murder, mass rapes, torture, and other crimes

against humanity, and to set up an international tribunal that would bring those responsible for these crimes to be tried and punished;

Urge the United Nations to add the crime of rape to the list of internationally-recognized war crimes;

Establish an effective United Nations peace enforcement presence in the former Yugoslavian republics;

Recognize and condemn unequivocally the savage means being employed by Serbian military and paramilitary forces to implement their stated policy of "ethnic cleansing", aimed at eradicating the Moslem population of Bosnia-Herzegovina through death or forcible population transfer and other means of intimidation;

Press all parties, in particular the Serbians, to desist from all acts of violence as a precondition to continuing peace negotiations;

In addition, the United States Government should immediately take the following actions:

Establish a watch list to bar from entry to this country any individuals who have been determined responsible for war crimes committed in Bosnia;

Provide for the acceptance of refugees from Bosnia to enter the United States if they wish to come;

While these steps alone will not bring about the peaceful resolution of this tragic conflict, the NJCRAC believes a more aggressive posture by the world community, led by the United States, is essential to encouraging the Serbian forces to desist from their destruction of Bosnia-Herzegovina. We are deeply concerned that if these measures are not implemented with dispatch and authority, the conflict may spread to the neighboring republics of Kosovo and Macedonia.

STOP UNDERCHARGE FRAUD

Mr. PRESSLER. Mr. President, in the early 1980's, common freight carriers began offering legally discounted freight rates to shippers. To avoid revealing these rates to their business rivals, many truckers did not list discounts with the Interstate Commerce Commission. When several big trucking companies went bankrupt, their trustees tried to collect from shippers the monetary difference between the legally discounted rate and the official tariff as filed with the ICC. These monetary differences have become known as an "undercharge."

Today I wish to speak for freight shippers in my home State of South Dakota and across the country. The undercharge crisis is destroying many small businesses and is costing our economy upward of $32 billion. I am here to support relief for shippers from fraudulent negotiated rate claims.

When the first undercharges were billed, the ICC granted relief to shippers, ruling in effect that it was unreasonable for carriers to negotiate a rate not filed with the ICC and then collect the difference between it and old tariffs. However, in Maislin Industries versus Primary Steel, the U.S. Supreme Court upheld the right of a bankrupt trucker to collect undercharges even though the shipper and carrier had negotiated a lower rate.

During the last session of the 102d Congress, the Senate Commerce Committee unanimously reported S. 1675, the Undercharge Equity Act of 1992, which created a procedure for resolving claims against shippers brought by trustees of bankrupt trucking companies attempting to collect undercharges. The Undercharge Equity Act passed the Senate last Congress, but failed to leave the House of Representatives.

Mr. President, I hope that early in this Congress both the Senate and the House will pass the undercharge relief bill. I urge my colleagues to support this legislation as it is designed to alleviate the heavy financial burdens being placed on freight shippers across America.

Mr. ROTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Delaware, Mr. ROTH, is recognized.

Mr. ROTH. Mr. President, I yield to the majority leader.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that morning business be extended so that Senator ROTH may be recognized to address the Senate for up to 5 minutes, and that upon the completion of his remarks, the Senate stand in recess as previously ordered.

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

PROMOTING ECONOMIC POLICIES

Mr. ROTH. Mr. President, the most pressing issue facing us right now is promoting economic policies that result in growth, jobs, and security for our families. Until we adequately address these needs, our efforts in other important areas will almost certainly be limited.

Consequently, there are three questions that I believe President Clinton must keep in mind as he moves forward with his broad economic program—three questions that I will be listening for him to answer in his State of the Union tomorrow night. First, will his program create more long-term jobs—jobs that promote continued growth, economic expansion, private risk-taking, investment, and opportunity? Second, will the Federal Government, under his program, become bigger—more overbearing, regulatory, and inefficient—or will it become smaller, leaner, and more efficient?

And third, can our economy sustain—can Americans afford—another large tax increase, especially one that will not reduce the budget deficit?

My concern, Mr. President, is that the program we are beginning to see emerge is one that purports to create jobs almost exclusively through an increase in government spending—spending which will undoubtedly lead to even higher deficits. I do not need to remind my colleagues that such a program is going to make it all the more difficult for private businesses—engines of real economic growth—to compete, as they struggle against higher taxation, and the likelihood of higher inflation and higher interest rates.

My concern is that the program we are seeing emerge asks for some $200 to $250 billion in new taxes at a time when our economy cannot afford such a draining assault. History has proven that tax relief spurs economic growth; tax increases stifle economic growth. It is that simple. What we are seeing emerge is a program akin to the record-setting 1990 tax increase, and I do not need to rehearse the job losses that resulted from that debacle and how it deepened our recent recession and fuelled the deficit.

During the campaign, then-candidate Clinton, promised to offer middle-class families some $60 billion in tax cuts over 4 years. Instead, what seems to be emerging are record-setting tax increases which could largely fall on the backs of the middle class.

What is doubly troubling is that these increases appear to be emerging without significant reductions in Federal spending. The Federal Government is already spending $71 billion more this year than last year. Spending as a percent of our economy is near a post-World War II high. President Clinton promised during the campaign that his program would halve the deficit by 1996.

Already he is beginning to back away from that promise, and I hope that as he addresses the American people tomorrow, he will consider that the path to deficit reduction is through restraining Government spending and improving conditions for economic growth. This means holding the line on taxes, creating incentives to save and invest, reducing Government spending and regulation. These are the things I will be listening for tomorrow night. And if President Clinton moves in this direction, I stand ready to work with him.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

RECESS UNTIL 2:15 P.M.

The PRESIDENT pro tempore. Under the order, the Senate stands in recess until the hour of 2:15 p.m. today.

Under the previous order, the Senate, at 12:58 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WOFFORD].

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as if in morning business.

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

UNDER SECRETARY GENERAL JOSEPH VERNER REED: A FIRST-RATE AMBASSADOR

Mr. PRESSLER. Mr. President, during the recent congressional recess, I served as congressional delegate to the 47th General Assembly of the United Nations. While at the United Nations, I had the honor of meeting with the Under Secretary General of the United Nations, Ambassador Joseph Verner Reed. I would like to commend Ambassador Reed for his fine and dedicated service at the United Nations. His exemplary commitment to the international community deserves to be recognized. He is a public servant worthy of great praise.

Ambassador Reed has served as U.S. Ambassador to the U.N. Economic and Social Council during the Reagan Administration, and was Under Secretary General of the U.N. for Political and General Assembly Affairs under Secretary General Javier Perez de Cuellar. While serving at his current post at the United Nations, Ambassador Reed traveled to Kuwait to coordinate United Nations efforts to slow the adverse effects of the oil well fires set during the Persian Gulf war. He also represented Secretary-General Boutros Boutros-Gahali at a U.N. Conference on the Disabled. He has devoted a lifetime of skill an energy to the public he serves.

There are many things I could say about Ambassador Joseph Reed, but I would add that Ambassador Reed has become a personal friend of mine. What is unique about him is that he has made a point to know more African leaders and more about Africa than most people in our Government. He arranged for Western African Ambassadors to the United Nations to meet with the congressional delegates to the United Nations. At this meeting, it was apparent the affection and esteem these leaders hold for Joseph Reed. He maintains his relationships with African leaders as a volunteer—he does what more of us should do! He has developed expertise in an area of the world and he pursues it. I very much admire that and pay tribute to Ambassador Joseph Reed.

Mr. President, in recognition of Ambassador Reed's dedication, skill, and hard work at the United Nations, I ask unanimous consent that the transcript from Ambassador Reed's address to the United Nations at the English-Speaking Union be printed in the RECORD at the conclusion of my remarks. I urge all my colleagues to take a moment to read Ambassador Reed's address. His lifelong dedication to international service is evident in his eloquence.

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

ADDRESS BY AMBASSADOR JOSEPH VERNER REED, UNDER SECRETARY GENERAL OF THE UNITED NATIONS, SEPTEMBER 17, 1992

Ladies and gentlemen, it gives me great pleasure to be here tonight and to speak to the member of this distinguished English Speaking Union on the "United Nations—Some New Challenges."

You, ladies and gentlemen, have the great privilege of helping to preserve and protect one of the great treasures of the Anglo-Saxon World—the English language. The language of the Bible, of Shakespeare and Milton, and other literary giants, past and present.

We at the United Nations have the responsibility for preserving international peace and security, for strengthening human rights and fundamental freedoms, and for promoting economic and social development.

The United Nations was founded in 1945 by those two great leaders of the English-speaking world and masters of the English language, Prime Minister Winston Churchill of Great Britain and President Franklin Delano Roosevelt of the United States. Today, almost 50 years later, the United Nations and the international community are at the threshold of a new era; with the end of the cold war the political ice age has ended. The ideological differences between the two superpowers which led to the cold war and prevented fulfillment of the original promise of the charter, are happily over. For the first time since its creation, the security council is functioning in the spirit of collegiality in which it was meant to function.

At no time since the creation of the United Nations has there been an opportunity like the present to transform the international organisation, formerly regarded critically by many, into a new, vibrant, healthy institution, capable of becoming the vehicle for international cooperation. that is so badly needed today, capable of working toward peace, guaranteeing respect for human rights, overcoming poverty, and safeguarding the environment.

The end of the cold war has relaxed some international tensions but it has not brought about the end of the use of force as a means of resolving disputes. To the contrary, we are seeing many long-submerged disputes flare up in violence in many parts of the world. Some of them, such as the saga in former Yugoslavia, are so complex and so bitter that they are challenging all the efforts of the entire international community at finding solutions.

Today, many nations seem to be more at war with themselves than with other nations. Hardly a week goes by that the United Nations is not asked to deal with yet another new and difficult situation. Just last week, the Secretary General decided to send a fact-finding mission to Tashkent, Uzbekistan, and a mission to Georgia to follow up on an agreement between the governments of the Russian federation and Georgia over the disputed territory of Abkhazia.

The United Nations is also helping in efforts to mediate the bitter dispute between Azerbaijan and Armenia over Nagorno-Karabakh.

Whether it be in former Yugoslavia or Somalia or in the republics of the former Soviet Union, internal conflicts are raging sometimes with even greater ferocity than international wars. Innocent civilians, caught in the middle, victims of ethnic cleansing or other such horrors, are uprooted from their homes and communities, and if they are lucky enough to survive are reduced to the status of refugees.

In the former Yugoslavia, as you all know from the newspapers, the situation in Bosnia and Herzegovina is grim. A United Nations plane on a mercy mission to Sarajevo was shot down last week with the loss of four lives, and soon after that two French soldiers in a relief convoy travelling from Belgrade to Sarajevo were killed.

On Monday of this week, the security council approved the Secretary General's recommendation that the United Nations peace-keeping force in Bosnia and Herzegovina, which presently numbers about 1,500, be enlarged to around 7,500 troops and support staff. The additions would include four or five infantry battalion groups, a transport battalion, extra medical, engineering, and communications support.

It is envisaged that the expanded force would safeguard the delivery of humanitarian assistance to Sarajevo and other parts of Bosnia and Herzegovina, being organized by the Office of the United Nations High Commissioner for Refugees. It would also monitor the artillery guns and other heavy weapons that both sides have agreed to place under United Nations supervision at designated locations. The peace-keeping troops are being authorised to use force in self-defence. In this context, self-defence is deemed to include situations in which armed persons attempt by force to prevent United Nations troops from carrying out their mandate.

At the same time, efforts are also being undertaken by former Secretary of State Cyrus Vance, who is the special representative of the Secretary General, and Lord David Owen of the European community to get the warring parties to arrive at a political settlement. I am optimistic that the United Nations will eventually end the warfare in Bosnia and Herzegovina, but we must not be under any illusions that it will be very soon. It will require patience, perseverance, time, money, and constant effort.

The tragedy in Somalia is one of the most difficult the international community has had to cope with. Who among us has not been moved by the pictures of starving children and sick adults waiting patiently and with resignation for food that is often looted before it can be delivered to them?

The Security Council has now approved the use of about 4,500 soldiers to protect the humanitarian aid deliveries in Somalia, and the first group of Pakistani troops has reached Mogadishu a few days ago. More troops from Belgium and other countries are expected in the near future.

As the security situation improves, the United Nations is stepping up its efforts to send in more food, medicines, and seeds, and to organise improved water supplies and better health services. Over the next 100 days, the world food programme—the food aid organisation of the United Nations—is ready to deliver up to 100,000 metric tons of food to people in all parts of Somalia.

Most of the food will be delivered by ship to Mogadishu and other ports, but it is also planned to airlift 10,000 metric tons into the country. Some relief supplies will be brought into southern Somalia by overland convoys across the Kenyan border.

The United Nations Children's Fund [UNICEF], will provide support to substantially increase intensive feeding of malnour-

ished children and to set up new feeding centres.

UNICEF will also conduct a mass measles vaccination programme and provide maternity and pediatric drugs for all regional hospitals and health centres.

The United Nations Development Programme [UNDP] is taking immediate steps to restore essential basic services and to generate employment activities in order to promote stability throughout Somali society. In the past few weeks it has already begun to reestablish water supply in Mogadishu, providing jobs for almost 600 people. In the next month it will endeavour to implement large-scale waste disposal programmes, an activity that will eventually employ up to 4,000 people.

The United Nations' mission in Cambodia is one of the largest, most ambitious, and most expensive of all its peace-keeping operations. In fact, to call it a peace-keeping operation is something of a misnomer. Because it is a peace-keeping mission—and much more. It is a multidimensional and complex operation involving peace-keeping, peace-making, and above all, peace-building.

I say peace-building, because Cambodia is a country that has been completely shattered by decades of the most virulent type of warfare. Therefore, it has to be rebuilt physically, administrately, and in every other way.

The mission, which is called the United Nations Transitional Authority in Cambodia, is virtually in charge of the whole country during the 18 months that it is to be there. Its mandate is to disarm the four competing factions, store their heavy weapons, arrange for the withdrawal of foreign forces, and for the return and resettlement of thousands of refugees, promote human rights, organise the elections, and ensure that they are held freely and fairly.

All this in a country that has been devastated by more than 20 years of war, where malaria and other diseases are rampant, and where minefields cripple men, women, and particularly children, every day.

The total cost of the whole operation is currently expected to be about $1.7 billion. There will be 15,000 troops involved, 3,600 civilian police monitors, and about 750 foreign civilian administrators. An additional 1,400 foreign civilians will help organise and monitor the elections, along with an estimated 56,000 Cambodians.

Despite these formidable odds, and despite the non-cooperation of the Khmer Rouge, the United Nations has made a good start and hopes to organise the elections by next summer.

When we get discouraged with the way things are going in some parts of the world, it is important to remember the significant achievements of the last few years. The first success of the so-called "new" United Nations, was the agreement of the withdrawal of Soviet forces from Afghanistan. Even more significant perhaps was the achievement of a ceasefire and a basis for peace in the long and bloody war between Iran and Iraq. In this case, at the initiative of the Secretary General, the permanent members of the Security Council worked together towards a common purpose of ending a regional conflict through the United Nations. The Secretary General, with the support of a United Security Council, was able through skillful mediation to get the parties to accept a ceasefire despite the deep distrust between them.

This was followed by the truly historic achievement of a peaceful transition of Namibia to independence, and the related monitoring of the withdrawal of Cuban forces from Angola. Today, United Nations observers are in Angola monitoring arrangements for the elections that are soon to be held in that country.

Then there was the successful implementation of the peace process in Central America and the seminal resort to Chapter VII enforcement action in response to the Iraqi invasion of Kuwait. These were not overnight successes. They required long and patient negotiations, and, above all, perseverance in the face of overwhelming odds. Often, as in Iraq, the United Nations did not act alone. The military support of many member states was an essential element. But none of these achievements would have been possible without the central role played by the United Nations.

One of the most heartening achievements of recent times is the agreement reached on a draft treaty banning all chemical weapons. This treaty, which has been negotiated over many years at the United Nations' conference on disarmament in Geneva, will offer the international community a long-awaited opportunity to completely eliminate a whole category of weapons of mass destruction. This is a major milestone in our efforts to promote arms control and disarmament, one that deserves the widest possible acceptance.

This record of success needs to be widely recognized in the United States and elsewhere in order to stimulate the degree of support, both political and financial, necessary to sustain the level of effectiveness achieved by the United Nations and permit further actions. The sad truth is that while we are being asked to launch new operations with great frequency, never have our funds been so low and our finances so precarious.

As of last month, Member States owed the United Nations a sum of $788 million in unpaid contributions for peace-keeping operations alone. They owe the organization's regular budget an even larger amount of money—some $848 million. It grieves me to report that my country is among the largest debtors.

The political support of the United States, the host country of the United Nations, will be of even greater importance in the years to come, since it is now the most powerful and influential Member of the Security Council. The leadership of the United States in bringing Security Council action on behalf of international security is absolutely essential.

Despite its recent achievements, the United Nations is not resting on its laurels. The Secretary General has recently set out a number of important ideas on strengthening preventive diplomacy, peace-making, and peace-keeping in a seminal report called "An Agenda for Peace". The report offers constructive proposals for the extension of peace-making activities in the prevention of conflict. It also stresses the need for increased resort to post-conflict peace-building in restoring confidence and hope.

We have now been given a second opportunity to achieve the great objectives of the charter, a second chance to make of the United Nations what it was to have been in the first place. This opportunity must not be squandered and the United Nations must never again be crippled as it was in the era of the cold war that has now passed into history.

In 1995, the United Nations will celebrate its 50th anniversary, and as special representative of the Secretary General for public affairs, one of my important responsibilities is to ensure that the occasion is commemorated in a befitting manner. We have already been receiving suggestions and support from all over the world and would welcome both from your members as well. The 50th anniversary will provide an opportunity not merely to commemorate what has been achieved but to focus attention on the future.

As we prepare to enter the 21st century, the United Nations is gearing itself to meet the changing needs of a greatly changing world. I hope we can count on your support in this noble endeavour.

RECOGNITION OF VIETNAM

Mr. PRESSLER. Mr. President, I have just returned from an Aspen Institute meeting with a group of Vietnamese leaders. There were about a dozen leaders from the Government of Vietnam invited for discussions with American officials and people from foundations and businesses about the future relationship between the United States and Vietnam.

Many years ago I served in the Army in Vietnam. So I have taken an interest in that country and in its development.

I traveled to Vietnam 3 years ago to investigate the prisoner-of-war issue. Today, I have concluded that the time has come for the United States to recognize Vietnam. I support recognition of Vietnam. I support the President of the United States sending an Ambassador to Vietnam. And I say that, because I know there are some groups that still say that until we have all the prisoner-of-war issues resolved, until we have all of the issues regarding human rights resolved we should not recognize Vietnam. But on the prisoner-of-war issue, I think we could have a better chance of reaching a final resolution if we had an Ambassador in Hanoi and if we had American tourists going to Vietnam.

In my travels in Vietnam, first as a soldier and then as a Senator, I have been to every province in South Vietnam at one point or another. And during my second visit there in 1988 I became convinced that if there were any prisoners of war in Vietnam we would have a better chance of finding them if there are Americans in Vietnam on the ground going around talking to people.

We have now gone through a whole series of phases of various delegations going to Vietnam, of a Senate POW Committee—and I see the chairman of that committee, on the Senate floor. However, it has been my strongest conviction that at this point we can solve some of the problems that we have in our relationship with Vietnam better by having an American Ambassador in Hanoi and by having diplomatic and economic relations with Vietnam.

Now, let us take, for example, if there were prisoners of war living, say, in South Vietnam, being held someplace. If some good faith Vietnamese

had information about these imprisoned Americans they could deliver it to an American Embassy or to a political officer traveling about Vietnam much easier than they can now.

So, therefore, we would be able to find those prisoners. If we had tourists who were able to go to South Vietnam—and many of my colleagues who served in the military in Vietnam would like to go back as tourists—if we had tourists there, they could certainly find prisoners of war or find human rights abuses or speak out on them. If we had American businessmen in Vietnam, they would be on the spot and be able to know what is going on.

I have frequently said, Mr. President, that I feel that one U.S. businessman doing his job of exporting goods sometimes can achieve as much as many temporary diplomats or certainly as many Members of Congress can do in visiting the same country.

In terms of assisting Vietnam, I think the best thing we can do is to help them privatize, to help them with the free enterprise system.

So at this conference that I attended, sponsored by the Aspen Institute, we had discussions about normalizing the relationship.

It has been my observation that different countries give foreign aid in different ways. I am not advocating foreign aid. I am not advocating any foreign aid to Vietnam in this speech.

The Japanese are geniuses at selling their products through their foreign aid program. For example, in Indonesia, the Japanese will send out a young Peace Corps volunteer, and that volunteer will spend 3 or 4 years distributing Japanese products—small pumps, small tractors that you walk behind to plow with, small tools, motor pumps and so forth. Then after that volunteer has been there 3 or 4 years, he will stay in that country as a Japanese businessman distributing parts for a profit. That is how the Japanese have gotten a foothold on all the local markets for small tools, power tools and so forth.

The point I am making is that the Japanese use their foreign aid program to introduce Japanese products and to introduce Japanese small businessmen to burrow in, so to speak, into the economy and stay there.

Now it is true that our Peace Corps does not work that way. Ours is based more on idealism. I know the Presiding Officer of the Senate at this moment is one of the founders of the Peace Corps.

But the Japanese have used their volunteers to develop a cadre of overseas businessmen. Maybe that is something we should consider.

The point I am making is that Vietnam will privatize and develop in the coming years. Mitterrand was just there bringing an entourage at 200 government and business leaders. We will have a country coming out of a dictatorial Communist system, a country that wants to privatize. Yes, there are many human rights abuses. They must be dealt with.

Yes, the prisoner-of-war issue still must be completely resolved, but I think we can move it ahead or resolve it better by having an Ambassador there.

So I am sending a letter to President Clinton urging that he initiate the recognition of Vietnam. We should have an Ambassador in Vietnam. That is the conclusion that I have come to after many years of struggle. Having an Ambassador in Vietnam would bring to a close the chapter of Vietnam in our country's history and open a new chapter. But it would also help to bring to a close the prisoner-of-war chapter.

Let me say a few words about that prisoner-of-war issue. And I say this as a Vietnam veteran, as a lifetime member of the Veterans of Foreign Wars, the Disabled American Veterans, the American Legion, and every other veterans' group that I could possibly be a member of.

I know that there are some who say we should not recognize Vietnam until all prisoners are accounted for. And they are not all accounted for, in a technical sense. In fact, there are some over in Laos and in Cambodia that have not been accounted for.

But I am convinced that this Government in Vietnam is doing everything it can to get information to families. That is my conclusion. I know that there are some of those families who will disagree very strongly with what I am saying. I also know that there have been some people who have made a career out of this prisoner-of-war issue and they have been very shrill and I do not like that attitude very much.

But at this point in history, I think we can resolve the POW-MIA issue better by recognizing Vietnam. I think it will help those families get information. They and their friends can go there and if there is any thread of information that somebody would have that they wanted to give us under the transom or over the transom, they could do so.

So, Mr. President, I would like to conclude by saying that I urge that the United States Government recognize Vietnam. I urge that President Clinton send an Ambassador to Hanoi.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

THE PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The Senate proceeded to consider the bill, which has been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.

Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.

Sec. 113. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.

Sec. 132. Peer review.

Sec. 133. Applicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Scientific Integrity

Sec. 161. Establishment of Office of Scientific Integrity.

Sec. 162. Commission on Scientific Integrity.

Sec. 163. Protection of whistleblowers.

Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.

Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.

Sec. 202. Programs for increased support regarding certain States and researchers.

Sec. 203. Children's vaccine initiative.

Sec. 204. Plan for use of animals in research.

Sec. 205. Increased participation of women and members of underrepresented minorities in fields of biomedical and behavioral research.

Sec. 206. Requirements regarding surveys of sexual behavior.

Sec. 207. Discretionary fund of Director of National Institutes of Health.

Sec. 208. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.

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Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 303. Establishment of interagency program for trauma research.
TITLE IV—NATIONAL CANCER INSTITUTE
Sec. 401. Expansion and intensification of activities regarding breast cancer.
Sec. 402. Expansion and intensification of activities regarding prostate cancer.
Sec. 403. Authorization of appropriations.
TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE
Sec. 501. Education and training.
Sec. 502. Centers for the study of pediatric cardiovascular diseases.
Sec. 503. National Center on Sleep Disorders.
Sec. 504. Authorization of appropriations.
TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES
Sec. 601. Provisions regarding nutritional disorders.
TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES
Sec. 701. Juvenile arthritis.
TITLE VIII—NATIONAL INSTITUTE ON AGING
Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.
TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.
TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT
Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility
Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.
Subtitle B—Program Regarding Obstetrics and Gynecology
Sec. 1011. Establishment of program.
Subtitle C—Child Health Research Centers
Sec. 1021. Establishment of centers.
Subtitle D—Study Regarding Adolescent Health.
Sec. 1031. Prospective longitudinal study.
TITLE XI—NATIONAL EYE INSTITUTE
Sec. 1101. Clinical research on diabetes eye care.
TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE
Sec. 1201. Research on multiple sclerosis.
TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES
Sec. 1301. Applied Toxicological Research and Testing Program.
TITLE XIV—NATIONAL LIBRARY OF MEDICINE
Subtitle A—General Provisions
Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.
Subtitle B—Financial Assistance
Sec. 1411. Establishment of program of grants for development of education technologies.
Subtitle C—National Information Center on Health Services Research and Health Care Technology
Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.
TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH
Subtitle A—Division of Research Resources
Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.
Subtitle B—National Center for Nursing Research
Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.
Subtitle C—National Center for Human Genome Research
Sec. 1521. Purpose of Center.
TITLE XVI—AWARDS AND TRAINING
Subtitle A—National Research Service Awards
Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.
Sec. 1602. Service payback requirements.
Subtitle B—Acquired Immune Deficiency Syndrome
Sec. 1611. Loan repayment program.
Subtitle C—Loan Repayment for Research Generally
Sec. 1621. Establishment of program.
Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health
Sec. 1631. Establishment of programs.
Sec. 1632. Funding.
Subtitle E—Funding for Awards and Training Generally
Sec. 1641. Authorization of appropriations.
TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH
Sec. 1701. Establishment of Foundation.
TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME
Sec. 1801. Revision and extension of various programs.
TITLE XIX—STUDIES
Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Report concerning leading causes of death.
Sec. 1908. Relationship between the consumption of legal and illegal drugs.
Sec. 1909. Cost of care in last 6 months of life.
TITLE XX—MISCELLANEOUS PROVISIONS
Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio Conte, and limitation on number of members.
Sec. 2002. Technical corrections.
Sec. 2003. Biennial report on carcinogens.
Sec. 2004. Master plan for physical infrastructure for research.
Sec. 2005. Transfer of provisions of title xxvii.
Sec. 2006. Certain authorization of appropriations.
Sec. 2007. Prohibition against SHARP adult sex survey and the American teenage sex survey.
Sec. 2008. Support for bioengineering research.
TITLE XXI—EFFECTIVE DATES
Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such staff and other assistance as may be necessary to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (a)(3), (b)(2), and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has

provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(e).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN REGULATION.—The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which such projects are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) The guidelines established under paragraph (1)—

"(A) may not provide that the cost of including women and minorities in clinical research are a permissible consideration regarding the circumstances described in subparagraph (A) of such paragraph; and

"(B) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than 120 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(4) For fiscal year 1994 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with subsection (a).".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101–613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2)(A) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(B) Members of the Advisory Committee shall receive compensation for each day engaged in carrying out the duties of the Committee, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 403A. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Scientific Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF SCIENTIFIC INTEGRITY

"SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Scientific Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of scientific misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged scientific misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting scientific misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) ESTABLISHMENT OF DEFINITION OF SCIENTIFIC MISCONDUCT.—Not later than 90 days after the date on which the report required under section 152(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "scientific misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 162. COMMISSION ON SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a commission to be known as the Commission on Scientific Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services from among individuals who are not officers or employees of the United States. Of the members appointed to the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to scientific research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission shall receive compensation for each day engaged in carrying out the duties of the Commission, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(e) REPORT.—Not later than 120 days after the date of enactment of this section, the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of scientific misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consulation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 204. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404A. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 205. INCREASED PARTICIPATION OF WOMEN AND MEMBERS OF UNDERREPRESENTED MINORITIES IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and members of underrepresented minority groups in the fields of biomedical and behavioral research.".

SEC. 206. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404B. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the informa-

tion expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 207. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 208. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has been appointed" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102-73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) The Director of NIH may establish a program to provide day care service for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care service, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a-2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102-321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 410. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following part:

"PART E—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 1251. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than June 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 208(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in para-

graph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.".

(b) SPECIAL RULE REGARDING FUNDS FOR SECTION 412 FOR FISCAL YEAR 1994.—Notwithstanding section 417B(d) of the Public Health Service Act, as added by subsection (a) of this section, the amount made available under such section for fiscal year 1994 for carrying out section 412 of such Act shall be an amount not less than an amount equal to 75 percent of the amount specified for activities under such section 412 in the budget estimate made under section 413(b)(9) of such Act for such fiscal year.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out community-based prevention and control activities that include clinical investigations, clinical trials, epidemiologic studies, and prevention demonstration and education projects.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection. The Director of NIH shall ensure that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d-6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d-7(a)) is amended by inserting after "Arthritis" the the first place such term appears the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d-7(j)) 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 paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99-158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of infor-

mation among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—The Director of the Institute shall conduct a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.

"(d) ALLOCATION OF FUNDS FOR STUDY.—Of the amounts appropriated for each of the fiscal years 1994 through 1996 for the National Institute of Child Health and Human Development, the Secretary of Health and Human Services, acting through the Director of such Institute, shall reserve $3,000,000 to conduct the study required in subsection (a). The amounts so reserved shall remain available until expended.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL RESEARCH ON DIABETES EYE CARE.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establishment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102–410 (106 Stat. 2094), is amended to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102–410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102–410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of such appointed and ex officio members as the Director of the Center may determine.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(C) Of the members of the Board—

"(i) 12 shall be appointed by the Director of the Center (without regard to the civil service laws); and

"(ii) 1 shall be an official of the National Science Foundation designated by the National Science Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of board who are not officers or employees of the United States shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (i) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) NONINTERFERENCE WITH ADMINISTRATION OF ENTITIES.—Except as otherwise specifically provided in this section, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any entity funded under this part.

"(h) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(i) $7,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 485A of the Public Health Service Act, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464V through 464Y of such part; and

(C) are inserted, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following new heading:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than October 1, 1994, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by sections 141(a)(1) and 1611(b)(1)(B) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical issues associated with the genome project.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and members from underrepresented minority groups, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

SEC. 1602. SERVICE PAYBACK REQUIREMENTS.

Paragraph (2) of section 487(c) of the Public Health Service Act (42 U.S.C. 288(c)(2)) is amended to read as follows:

"(2)(A) For the initial year for which an individual receives a National Research Service Award for the conduct of postdoctoral training or research, such individual shall engage in one year of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, or complete a second year of training or research under such Award.

"(B) Service obligations for National Research Service Awards that are less than 12 months may be satisfied—

"(i) by the conduct of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment for a period of time equal to the amount of time under the Award; or

"(ii) by reimbursing the Federal Government for the amounts provided to such individual under the Award.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) FUNDING; REIMBURSABLE TRANSFERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) TRANSFERS FOR RELATED PROGRAM.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a). Any transfer and reimbursement made for purposes of this paragraph for a fiscal year shall be completed by April 1 of such year.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from minority groups that are underrepresented in the fields of biomedical or behavioral research.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle D—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786" and inserting "747, 748, or 749".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. ESTABLISHMENT OF FOUNDATION.

Section 499 of the Public Health Service Act, as redesignated by section 121(b), is amended to read as follows:

"SEC. 499A. ESTABLISHMENT AND DUTIES OF FOUNDATION.

"(a) IN GENERAL.—The Secretary shall establish a nonprofit corporation to be known as the National Foundation for Biomedical Research (hereafter in this section referred to as the 'Foundation'). The Foundation shall not, except for the purposes of the Ethics in Government Act and the Technology Transfer Act, be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to conduct and support research with respect to any particular disease or groups of diseases or any other aspect of human health.

"(c) ENDOWMENT FUND.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund whose primary purpose shall be to provide endowments for positions at the National Institutes of Health to conduct biomedical research, and dedicated to the purpose described in such subsection. Such positions may be held by scientists without regard to whether the scientists are employees of the Federal Government. Subject to subsection (g)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

"(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the primary function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

"(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), and subject to subsection (c), the Foundation may provide for the following with respect to the purpose described in such subsection:

"(1) Endowed chairs for distinguished senior investigators.

"(2) Positions for support of visiting scientists in mid-career who participate in the National Institutes of Health Scholars program.

"(3) Studies, projects, and research conducted by scientists under paragraphs (1) and (2).

"(4) Forums for the exchange of information between scientists. Participants in such forums may include institutions of higher education and appropriate private and public organizations.

"(5) Meetings, conferences, courses, and training workshops.

"(6) Programs to improve the collection and analysis of data.

"(7) Programs for writing, editing, printing, and publishing of books and other materials.

"(8) Other activities to carry out the purpose described in subsection (b).

"(e) POWERS.—In carrying out subsection (b), the Foundation shall—

"(1) operate under the direction of its Board;

"(2) adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(3) provide for 1 or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

"(4) hire, promote, compensate, and discharge officers and employees of the Foundation;

"(5) prescribe by its Board its bylaws, as described in subsection (g)(1)(A);

"(6) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this section;

"(7) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

"(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subtitle;

"(9) establish a mechanism for the selection of candidates, subject to the approval of the Director of the National Institutes of Health for the endowed scientific positions within the organizational structure of the intramural research programs of the National Institutes of Health and candidates for participation in the National Institutes of Health Scholars program;

"(10) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

"(11) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(12) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

"(13) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation;

"(14) appoint other groups of advisors as may be determined necessary from time to time to carry out the functions of the Foundation; and

"(15) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subtitle.

"(f) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

"(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (in this part referred to as the 'Board'), which shall be established and conducted in accordance with subsection (g). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

"(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (in this part referred to as the 'Director'), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

"(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

"(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

"(B) is, under subsection (a) of such section, exempt from taxation.

"(4) LIAISON.—The Director of the National Institutes of Health shall serve as the liaison

representative of the National Institutes of Health to the Board and the Foundation.

"(g) BOARD OF DIRECTORS.—

"(1) CERTAIN BYLAWS.—

"(A) In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies for the acquisition, holding, and transfer of property.

"(iii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

"(iv) Policies for the conduct of the general operations of the Foundation.

"(v) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

"(B) In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation, or the National Institutes of Health, to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

"(2) COMPOSITION.—

"(A) The Foundation shall have a Board of Directors (hereafter referred to in this section as the 'Board'), which shall initially be composed of ex officio and appointed members in accordance with this subsection until such time as all the appointed members, including the Chairperson, are fully appointed by the Board under paragraph (4).

"(B) The ex officio members of the Council shall be—

"(i) the Chairperson and ranking minority member of the Subcommittee on Health and the Environment (Committee on Energy and Commerce) or their designees, in the case of the House of Representatives;

"(ii) the Chairperson and ranking minority member of the Committee on Labor and Human Resources or their designees, in the case of the Senate; and

"(iii) the Director of the National Institutes of Health.

"(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Council 9 individuals. Of such appointed members—

"(i) 4 shall be representative of the general biomedical field;

"(ii) 2 shall be representatives of the general biobehavorial field; and

"(iii) 3 shall be representatives of the general public.

"(3) CHAIRPERSON.—The ex officio members of the Board under paragraph (2)(B) shall designate an appointed member of the Board to serve as the first Chairperson of the Board. Subsequently, the Chairperson of the Board shall be chosen by the Board according to its bylaws.

"(4) APPOINTMENTS, VACANCIES, AND TERMS.—The following shall apply to the Board:

"(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chairperson and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

"(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years, except that the terms of office for the initial appointed members of the Board shall expire as determined by the Chairperson of the Board, in consultation with the Director of the National Institutes of Health.

"(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

"(h) INCORPORATION.—The initial members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

"(i) GENERAL PROVISIONS.—

"(1) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board of the Foundation may exercise any administrative or managerial control over any Federal employee.

"(2) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves with financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Director of the National Institutes of Health specifying that the individual—

"(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the National Institutes of Health, including standards under this Act, the Ethics in Government Act, and the Technology Transfer Act; and

"(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Director of the National Institutes of Health determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

"(3) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

"(A) any direct or indirect financial interest of the individual; or

"(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

"(4) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

"(A) provide for biennial audits of the financial condition of the Foundation; and

"(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

"(5) REPORTS.—

"(A) Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

"(j) FEDERAL FUNDING.—

"(1) AUTHORITY FOR ANNUAL GRANTS.—

"(A) The Secretary, acting through the Director of the National Institutes of Health, shall for each of the fiscal years 1994 through 1996, make a grant to the Foundation.

"(B) A grant under subparagraph (A) may be expended only for the purpose of the administrative expenses of the Foundation.

"(C) A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

"(2) FUNDING FOR GRANTS.—

"(A) For the purpose of grants under paragraph (1), there is authorized to be appropriated $500,000 for each of the fiscal years 1994 through 1996.

"(B) For the purpose of grants under paragraph (1), the Secretary may for each fiscal year make available not more than $500,000 from the amounts appropriated for the fiscal year for the programs of the National Institutes of Health. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 1801. REVISION AND EXTENSION OF VARIOUS PROGRAMS.

(a) AMENDMENTS.—Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating cancers, opportunistic infections, and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating cancers, opportunistic infections, and infectious diseases";

(3) in section 2315(a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention

of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in the part heading for part D, by striking "DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH" and inserting "OFFICE OF AIDS RESEARCH";

(7) in section 2351—

(A) by redesignating subsections (a), (b) and (c) as subsections (c), (d) and (e), respectively;

(B) by inserting after the section heading the following new subsections:

"(a) IN GENERAL.—In carrying out research with respect to acquired immune deficiency syndrome, the Secretary, acting through the Director of the National Institutes of Health—

"(1) shall establish an office to be known as the Office of AIDS Research, which Office shall be headed by a Director who shall—

"(A) be appointed by the Secretary;

"(B) be determined by the Secretary to be an individual who is an outstanding scientist and a highly skilled administrator;

"(C) report directly to the Director of the National Institutes of Health; and

"(D) be the primary Federal official responsible for the conduct of AIDS-related research at the National Institutes of Health; and

"(2) shall provide administrative support and support services to the Director of such Office and shall ensure that such support takes maximum advantage of existing administrative structures at the institutes, centers and divisions of the National Institutes of Health to the fullest extent practicable.

"(b) ACTIVITIES OF THE OFFICE OF AIDS RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the director of the Office of AIDS Research, shall ensure that AIDS research activities are coordinated across and throughout the institutes, centers, and divisions of the National Institutes of Health.

"(2) GENERAL DUTIES.—The Director of the Office of AIDS Research shall, based upon a strategic plan as defined in paragraph (3), develop and oversee the implementation of a scientifically justified budget for AIDS-related research at the National Institutes of Health and coordinate all AIDS-related research activities conducted at the institutes, centers, and divisions of the National Institutes of Health, and conduct evaluations on all such programs.

"(3) STRATEGIC PLAN.—

"(A) DEVELOPMENT.—The Director of the Office of AIDS Research shall, based on the advice of the directors of the institutes, centers, and divisions of the National Institutes of Health, and in consultation with the advisory council established in paragraph (5) and the coordinating groups established in subparagraph (B), develop and oversee the implementation of a comprehensive, long-range plan for the conduct and support of such research by the institutes, centers and divisions of the National Institutes of Health. Such plan shall be updated annually, and shall—

"(i) determine the appropriate overall balance between basic and applied research and between intramural and extramural research;

"(ii) determine and prioritize among critical scientific AIDS-related questions;

"(iii) based upon such determinations, specify the broad short and long range objectives to be achieved, and provide an estimate of the resources needed to achieve such objectives;

"(iv) evaluate the sufficiency of existing AIDS research programs to meet such objectives, and establish evaluation criteria, timelines and objectives for future program evaluation activities; and

"(v) make recommendations for changes and necessary resource allocation in and among such programs.

"(B) COORDINATING GROUPS.—The Director of the Office of AIDS Research shall establish AIDS coordinating groups for each research discipline within the AIDS research program, composed of representatives of relevant agencies of the National Institutes of Health and qualified extramural scientists, to evaluate and assess the efforts of the AIDS Research Program at the National Institutes of Health, to advise on the development of the strategic plan described in subparagraph (A), and to determine the extent to which such efforts are in accordance with such strategic plan.

"(4) COORDINATION.—The Director of the Office of AIDS Research shall act as the primary Federal official with responsibility for overseeing all AIDS-related research efforts undertaken by the National Institutes of Health, and

"(A) shall serve to represent the National Institutes of Health AIDS Research Program at all relevant Executive branch task forces and committees; and

"(B) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in AIDS-related research and the clinical treatment of AIDS and its related conditions, between these various agencies for dissemination to affected communities and health care providers.

"(5) ADVISORY COUNCIL.—

"(A) ESTABLISHMENT.—The Secretary shall, consistent with section 406, establish an advisory council to be known as the Office of AIDS Research Advisory Council (hereafter referred to as the 'Council'), which shall serve to replace the AIDS Program Advisory Committee which is operating on the date of enactment of this subsection.

"(B) COMPOSITION.—The Council shall be composed of biomedical, behavioral, and social scientists, and representatives of diverse HIV affected communities, and shall be appointed by the Secretary.

"(C) AUTHORITY.—The Council shall—

"(i) advise the Director of the Office of AIDS Research and make recommendations concerning the development of the AIDS-related research budget, and the development and implementation of the strategic plan for AIDS-related research at the National Institutes of Health;

"(ii) provide the second level of peer review for awards made directly from the Office of AIDS Research from the discretionary fund described in paragraph (7); and

"(iii) carry out such other activities determined appropriate by the Director of the Office of AIDS Research.

"(6) BUDGETARY AUTHORITY.—The Director of the Office of AIDS Research shall—

"(A) in accordance with the strategic plan established under paragraph (3), in consultation with the Council, and based on budget requests and additional advice from the directors of the institutes, centers and divisions of the National Institutes of Health, prepare and submit directly to the President for review and transmittal to Congress, an annual, scientifically justified budget estimate for AIDS-related research conducted within the agencies of the National Institutes of Health, after reasonable opportunity for comment (but without change) by the Secretary and the Director of the National Institutes of Health, which shall include the amount of funds required (as requested by the directors of such institutes, centers and divisions) for—

"(i) the continued funding of the commitment base (ongoing program initiatives) at the sole discretion of the directors of such institutes, centers and divisions; and

"(ii) the funding of new and competing program initiatives through such institutes, centers and divisions, at the discretion of the Director of the Office of AIDS Research;

"(B) receive from the President and the Office of Management and Budget directly all AIDS-related research funds appropriated by Congress for transfer to, and obligation and expenditure by, the institutes, centers and divisions of the National Institutes of Health in accordance with the budget delineated under clauses (i) and (ii) of subparagraph (A); and

"(C) distribute AIDS research funding to the various institutes, centers, and divisions of the National Institutes of Health in accordance with the budget delineated under clauses (i) and (ii) of subparagraph (A).

The provisions of this paragraph shall become effective in the fiscal year following the submission of the consolidated AIDS budget.

"(7) DISCRETIONARY FUND.—

"(A) AVAILABILITY OF FUNDS.—The Secretary shall ensure that not to exceed 25 percent of the funds available in excess of the amount of baseline AIDS research spending during the previous fiscal year, be made available to the Director of the Office of AIDS Research for the establishment of an AIDS research discretionary fund.

"(B) USE.—The Director of the Office of AIDS Research, in consultation with the advisory council established under paragraph (5), shall use amounts in the AIDS research discretionary fund, either through the institutes, centers and divisions of the National Institutes of Health or grants made directly by the Office of AIDS Research, to—

"(i) fund emergency AIDS research programs;

"(ii) fund programs for the conduct of research aimed at filling gaps that exist in existing research programs;

"(iii) conduct conferences, convene committees, hold meetings or carry out other activities determined appropriate by the Director.

"(C) REDUCTION IN ADMINISTRATIVE IMPEDIMENTS.—Notwithstanding any other provision of law relating to the number of individuals who may be employed as full-time equivalent individuals, with respect to the number of full-time equivalent individuals so employed, the Director of the Office of AIDS Research shall be permitted to authorize the employment of such full-time equivalent individuals to perform AIDS-related research through the institutes, centers and divisions of the National Institutes of Health as described in clauses (i) and (ii) of subparagraph (B) and subject to appropriations.";

(C) in subsection (c) (as so redesignated)—

(i) by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

"(c) OTHER DUTIES.—The director of the office—";

(ii) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively;

(iii) by striking "for the appropriate national research institute of the National Institutes of Health" in paragraph (4) (as so redesignated); and

(iv) by inserting "cannot reasonably be accomplished within the United States and" after "if such research" in paragraph (4)(A) (as so redesignated); and

(D) by adding at the end thereof the following new subsection:

"(f) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this section on the planning and coordination of the AIDS research programs at the institutes, centers and divisions of the National Institutes of Health;

"(B) evaluate the extent to which this section has eliminated the duplication of administrative resources among such institutes, centers and divisions; and

"(C) provide recommendations concerning future alterations with respect to this section.

"(2) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of such evaluation.";

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes cancers, opportunistic infections, and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

(9) in section 2315(f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(10) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(11) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

TITLE XIX—STUDIES

SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(d) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation for each day engaged in carrying out the duties of the panel, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the

Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. REPORT CONCERNING LEADING CAUSES OF DEATH.

(a) REPORT.—The Secretary of Health and Human Services shall, not later than October 1, 1993, prepare a report that lists—

(1) the 20 illnesses that, in terms of mortality, number of years of expected life lost, and of number of preventable years of life lost, are the leading causes of death in the United States and the number of deaths from each such cause, the age-specific and age-adjusted death rates for each such cause, the death rate per 100,000 population for each such cause, the percentage of change in cause specific death rates for each age group, and the percentage of total deaths for each such cause;

(2) the amount expended by the Department of Health and Human Services for research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the most recent year for which the actual expenditures are known;

(3) an estimate by the Secretary of the amount to be expended on research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the year for which the report is prepared; and

(4) with respect to the years specified in paragraphs (2) and (3), the percentage of the total of the annual expenditures for research, prevention, and education on the 20 illnesses described in paragraph (1) that are attributable to each illness.

(b) SUBMISSION TO CONGRESS.—The Secretary of Health and Human Services shall submit the report required under subsection (a), together with relevant budget information, to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

SEC. 1908. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal dvugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

SEC. 1909. COST OF CARE IN LAST 6 MONTHS OF LIFE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the Health Care Financing Administration, shall conduct a study, using the most recent National Medical Expenditure Survey database, to estimate the average amount of health care expenditures incurred during the last 6 months of life and during the last 3 months of life by—

(A) the population of individuals who are 65 years of age and older; and

(B) the total population, broken down based on noninstitutionalized and institutionalized populations.

(2) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall—

(A) be designed in a manner that will produce estimates of health care costs expended for health care provided to individuals during the last 3 and 6 months of life;

(B) be designed to produce estimates of such costs for the populations identified in subparagraphs (A) and (B) of paragraph (1);

(C) include a calculation of the estimated amount of total health care expenditures during such periods of time; and

(D) include a calculation of the estimate described in subparagraph (C)—

(i) as a percentage of the total national health care expenditures; and

(ii) for those age 65 years and over, as a percentage of the total Medicare expenditures for those age 65 years and over.

(b) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings resulting from the study described in subsection (a).

(c) 1996 NATIONAL MEDICAL EXPENDITURE SURVEY.—

(1) IN GENERAL.—The Secretary, acting through the Agency for Health Care Policy and Research, shall ensure that the 1996 National Medical Expenditure Survey is designed in a manner that will produce an estimate of the amount expended for health care provided to individuals during the last 3 and 6 months of life.

(2) POPULATIONS.—In designing the Survey under paragraph (1), the Secretary shall ensure that such Survey produces the data required under such paragraph for—

(A) the population of individuals who are 65 years of age and older; and

(B) the population of individuals who are 1 year of age and younger;

broken down based on noninstitutionalized and institutionalized populations.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101-509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the

Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. TECHNICAL CORRECTIONS.

(a) TITLE III.—Subsection (c) of section 316 of the Public Health Service Act (42 U.S.C. 247a(c)) is repealed.

(b) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 464P(b)(6) (as added by section 123 of Public Law 102-321 (106 Stat. 362)), by striking "Administration" and inserting "Institute";

(11) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(14) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(c) TITLE XV.—Title XV of the Public Health Service Act is amended—

(1) in section 1501(b) (42 U.S.C. 300k(b)), by striking "nonprofit"; and

(2) in section 1505(3) (42 U.S.C. 300n-1(3)), by striking "nonprivate" and inserting "private".

(d) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

*(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and*

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

(e) SECRETARY.—Section 2(c) of the Public Health Service Act (42 U.S.C. 201(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(f) DEPARTMENT.—Section 201 of the Public Health Service Act (42 U.S.C. 202) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services"; and

(2) by striking "Surgeon General" and inserting "Assistant Secretary for Health".

(g) DEPARTMENT.—Section 202 of the Public Health Service Act (42 U.S.C. 203) is amended—

(1) by striking "Surgeon General" the second and subsequent times that such term appears and inserting "Secretary"; and

(2) by inserting ", and the Agency for Health Care Policy and Research" before the first period.

(h) VOLUNTEER SERVICES.—Section 223 of the Public Health Service Act (42 U.S.C. 217b) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

SEC. 2003. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting in lieu thereof "a biennial".

SEC. 2004. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2005. TRANSFER OF PROVISIONS OF TITLE XXVII.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101-381 and section 304 of Public Law 101-509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION"; and

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"PART B—MISCELLANEOUS PROVISIONS".

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

SEC. 2006. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e-4(a)), as added by Public Law 102-515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2007. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1993 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective on the date of enactment of this Act.

SEC. 2008. SUPPORT FOR BIOENGINEERING RESEARCH.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the sources and amounts of public and private funding devoted to basic research in bioengineering and biomaterials sciences;

(2) evaluating whether that commitment is sufficient to maintain the innovative edge that the United States has in these technologies; and

(3) evaluating the need to modify the structure of the National Institutes of Health or any other Federal agency to achieve a greater commitment to innovation in bioengineering, and evaluating the need for better coordination and collaboration among Federal agencies and between the public and private sectors.

In conducting such study, the Director shall work in conjunction with appropriate organizations and representatives including academics, industry leaders, bioengineering societies, and public agencies (such as the National Science Foundation, Veterans Administration, Department of Defense, National Aeronautics and Space Administration, and the White House Office of Science and Technology Policy).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of

Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings of the study conducted under subsection (a) together with recommendations concerning the enactment of legislation to implement the results of such study.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 155, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE, AS MODIFIED

Mr. KENNEDY. Mr. President, on behalf of the committee I send a modification to the committee substitute to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The committee amendment in the nature of a substitute, as modified, is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

Part I—Review of Proposals for Biomedical and Behavioral Research

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.

Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.

Sec. 113. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.

Sec. 132. Peer review.

Sec. 133. Applicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Scientific Integrity

Sec. 161. Establishment of Office of Scientific Integrity.

Sec. 162. Commission on Scientific Integrity.

Sec. 163. Protection of whistleblowers.

Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.

Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.

Sec. 202. Programs for increased support regarding certain States and researchers.

Sec. 203. Children's vaccine initiative.

Sec. 204. Plan for use of animals in research.

Sec. 205. Increased participation of women and members of underrepresented minorities in fields of biomedical and behavioral research.

Sec. 206. Requirements regarding surveys of sexual behavior.

Sec. 207. Discretionary fund of Director of National Institutes of Health.

Sec. 208. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.

Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.

Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.

Sec. 402. Expansion and intensification of activities regarding prostate cancer.

Sec. 403. Authorization of appropriations.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.

Sec. 502. Centers for the study of pediatric cardiovascular diseases.

Sec. 503. National Center on Sleep Disorders Research.

Sec. 504. Authorization of appropriations.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING

Sec. 801. Alzheimer's disease registry.

Sec. 802. Aging processes regarding women.

Sec. 803. Authorization of appropriations.

Sec. 804. Conforming amendment.

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 901. Tropical diseases.

Sec. 902. Chronic fatigue syndrome.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1001. Grants and contracts for research centers.

Sec. 1002. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1011. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1021. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health.

Sec. 1031. Prospective longitudinal study.

TITLE XI—NATIONAL EYE INSTITUTE

Sec. 1101. Clinical and health services research on eye care and diabetes.

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1201. Research on multiple sclerosis.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1301. Applied Toxicological Research and Testing Program.

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1401. Additional authorities.

Sec. 1402. Authorization of appropriations.

Subtitle B—Financial Assistance

Sec. 1411. Establishment of program of grants for development of education technologies.

Subtitle C—National Information Center on Health Services Research and Health Care Technology

Sec. 1421. Establishment of Center.

Sec. 1422. Conforming provisions.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1501. Redesignation of Division as National Center for Research Resources.

Sec. 1502. Biomedical and behavioral research facilities.

Sec. 1503. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.

Sec. 1512. Study on adequacy of number of nurses.

Subtitle C—National Center for Human Genome Research

Sec. 1521. Purpose of Center.

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.

Sec. 1602. Service payback requirements.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1611. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1621. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1631. Establishment of programs.

Sec. 1632. Funding.

Subtitle E—Funding for Awards and Training Generally

Sec. 1641. Authorization of appropriations.

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1701. National Foundation for Biomedical Research.

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Sec. 1801. Revision and extension of various programs.

TITLE XIX—STUDIES

Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Report concerning leading causes of death.
Sec. 1908. Relationship between the consumption of legal and illegal drugs.
Sec. 1909. Cost of care in last 6 months of life.
Sec. 1910. Reducing administrative health care costs.

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio Conte, and limitation on number of members.
Sec. 2002. Technical corrections.
Sec. 2003. Technical corrections with respect to the Agency for Health Care Policy and Research.
Sec. 2004. Technical corrections with respect to the Health Professions Education Extension Amendments of 1992.
Sec. 2005. Biennial report on carcinogens.
Sec. 2006. Master plan for physical infrastructure for research.
Sec. 2007. Transfer of provisions of title XXVII.
Sec. 2008. Certain authorization of appropriations.
Sec. 2009. Prohibition against SHARP adult sex survey and the American teenage sex survey.
Sec. 2010. Support for bioengineering research.

TITLE XXI—EFFECTIVE DATES

Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B)(i) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research; or

"(ii) the majority of such board recommends that the Secretary not withhold funds for the research on ethical grounds, but the Secretary finds, on the basis of the report submitted under paragraph (4)(B)(ii), that there is a reasonable basis for overruling the board's recommendations.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding such funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The President shall consider such recommendations in making appointments to the board.

"(C) The President may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The President shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the President for neglect of duty or malfeasance or for other good cause shown.

"(F) The President shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such reasonable staff and assistance as may be necessary to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b)(1), (b)(2), and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(e).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN REGULATION.—The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which such projects are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) The guidelines established under paragraph (1)—

"(A) may not provide that the cost of including women and minorities in clinical research is a permissible consideration regarding the circumstances described in subparagraph (A) of such paragraph; and

"(B) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(4) For fiscal year 1994 and subsequent fiscal years, the Director of NIH may not provide funding for any project of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the project specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with subsection (a).".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposed project (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposed project regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposed project for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors) and other appropriate entities.

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2)(A) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(B) Members of the Advisory Committee shall receive compensation for each day engaged in carrying out the duties of the Committee, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 403A. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Scientific Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF SCIENTIFIC INTEGRITY

"SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Scientific Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of scientific misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged scientific misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting scientific misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) ESTABLISHMENT OF DEFINITION OF SCIENTIFIC MISCONDUCT.—Not later than 90 days after the date on which the report required under section 152(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "scientific misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 162. COMMISSION ON SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a commission to be known as the Commission on Scientific Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services from among individuals who are not officers or employees of the United States. Of the members appointed to the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to scientific research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission shall receive compensation for each day engaged in carrying out the duties of the Commission, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(e) REPORT.—Not later than 120 days after the date of enactment of this section, the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of scientific misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 204. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404A. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99-158; 99 Stat. 880) is repealed.

SEC. 205. INCREASED PARTICIPATION OF WOMEN AND MEMBERS OF UNDER-REPRESENTED MINORITIES IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and members of under-represented minority groups in the fields of biomedical and behavioral research.".

SEC. 206. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404B. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 207. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 208. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has been appointed" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102-73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) The Director of NIH may establish a program to provide day care service for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care service, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a-2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102-321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 410. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, the National Institute of Diabetes, Digestive and Kidney Diseases, and the National Institute of Dental Research, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following part:

"PART E—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 1251. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this section, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 208(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the develop-

ment and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute is authorized to make available not less than 10 percent for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS RESEARCH

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders Research (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is—

"(1) the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders, including biological and circadian rhythm research, basic understanding of sleep, chronobiological and other sleep related research; and

"(2) to coordinate the activities of the Center with similar activities of other Federal agencies, including the other agencies of the National Institutes of Health, and similar activities of other public entities and nonprofit entities.

"(c)(1) The Director of the National Institutes of Health shall establish a committee to be known as the Sleep Disorders Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the directors of the National Institutes of Health, the National Institute on Aging, the National Institute of Child Health and Human Development, the National Heart, Lung and Blood Institute, the National Institute of Neurological Disorders and Stroke, the National Institute of Mental Health, and of such other national research institutes as the Director of the National Institutes of Health determines to be appropriate, and shall include representation from other Federal departments and agencies whose programs involve sleep disorders.

"(3) The Director of the National Health, Lung, and Blood Institute shall serve as the chairperson of the Coordinating Committee.

"(4) The Coordinating Committee shall make recommendations to the Director of the National Institutes of Health and the Director of the Center with respect to the content of the plan required in subsection (e), with respect to the activities of the Center that are carried out in conjunction with other agencies of the National Institutes of Health, and with respect to the activities of the Center that are carried out in conjunction with other agencies of the Federal Government.

"(d)(1) The Director of the National Institutes of Health shall establish a board to be known as the Sleep Disorders Research Advisory Board (hereafter in this section referred to as the 'Advisory Board').

"(2) The Advisory Board shall advise, assist, consult with, and make recommendations to the Director of the National Institutes of Health, through the Director of the Institute, and the Director of the Center concerning matters relating to the scientific activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in subsection (c).

"(3)(A) The Director of the National Institutes of Health shall appoint to the Advisory Board 12 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, eight shall be representatives of health and scientific disciplines with respect to sleep disorders and four shall be individuals representing the interests of indi-

viduals with or undergoing treatment for sleep disorders.

"(B) The following officials shall serve as ex officio members of the Advisory Board:

"(i) The Director of the National Institutes of Health.

"(ii) The Director of the Center.

"(iii) The Director of the National Heart, Lung and Blood Institute.

"(iv) The Director of the National Institute of Mental Health.

"(v) The Director of the National Institute on Aging.

"(vi) The Director of the National Institute of Child Health and Human Development.

"(vii) The Director of the National Institute of Neurological Disorders and Stroke.

"(viii) The Assistant Secretary for Health.

"(ix) The Assistant Secretary of Defense (Health Affairs).

"(x) The Chief Medical Director of the Veterans' Administration.

"(4) The members of the Advisory Board shall, from among the members of the Advisory Board, designate an individual to serve as the chairperson of the Advisory Board.

"(5) Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory board established under this section in the same manner as such provisions apply to any advisory council established under such section.

"(e)(1) After consultation with the Director of the Center, the advisory board established under subsection (d), and the coordinating committee established under subsection (c), the Director of the National Institutes of Health shall develop a comprehensive plan for the conduct and support of sleep disorders research.

"(2) The plan developed under paragraph (1) shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health.

"(3) The Director of the National Institutes of Health (after consultation with the Director of the Center, the advisory board established under subsection (d), and the coordinating committee established under subsection (c)) shall revise the plan developed under paragraph (1) as appropriate.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Institute is authorized to make available not less than 10 percent for carrying out community-based prevention and control activities that include clinical investigations, clinical trials, epidemiologic studies, and prevention demonstration and education projects.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection. The Director of NIH shall ensure that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d-6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d-7(a)) is amended by inserting after "Arthritis" the first place such term appears the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d-7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d-7(j)) 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 paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99-158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than November 1, 1993, the Director of the Institute shall initiate a 3-year study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL AND HEALTH SERVICES RESEARCH ON EYE CARE AND DIABETES.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award research grants to one or more Diabetes Eye Research Institutions for the support of programs in clinical or health services aimed at—

"(1) providing comprehensive eye care services for people with diabetes, including a full complement of preventive, diagnostic and treatment procedures;

"(2) developing new and improved techniques of patient care through basic and clinical research;

"(3) assisting in translation of the latest research advances into clinical practice; and

"(4) expanding the knowledge of the eye and diabetes through further research.

"(b) USE OF FUNDS.—Amounts received under a grant awarded under this section shall be used for the following:

"(1) Establishing the biochemical, cellular, and genetic mechanisms associated with diabetic eye disease and the earlier detection of pending eye abnormalities. The focus of work under this paragraph shall require that ophthalmologists have training in the most up-to-date molecular and cell biological methods.

"(2) Establishing new frontiers in technology, such as video-based diagnostic and research resources, to—

"(A) provide improved patient care;

"(B) provide for the evaluation of retinal physiology and its affect on diabetes; and

"(C) provide for the assessment of risks for the development and progression of diabetic eye disease and a more immediate evaluation of various therapies aimed at preventing diabetic eye disease.

Such technologies shall be designed to permit evaluations to be performed both in humans and in animal models.

"(3) The translation of the results of vision research into the improved care of patients with diabetic eye disease. Such translation shall require the application of institutional resources that encompass patient care, clinical research and basic laboratory research.

"(4) The conduct of research concerning the outcomes of eye care treatments and eye health education programs as they relate to patients with diabetic eye disease, including the evaluation of regional approaches to such research.

"(c) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b-S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100-202 (101 Stat. 1329-275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b-4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102-410 (106 Stat. 2094), is amended to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102-410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102-410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if—

"(i) the Board has under paragraph (2) recommended the application for approval; or

"(ii) the Director makes a written determination (setting forth in detail the Director's reasons for rejecting the recommendations of the Board) to approve a grant despite the adverse recommendation of the Board.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of not more than 9 members appointed by the Secretary, acting through the Director of the National Institutes of Health, and ex officio members as the Director of the Center may determine.

"(B) Not more than 2 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Secretary shall ensure that the members are individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Secretary shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Secretary when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of board who are not officers or employees of the United States shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (i) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) NONINTERFERENCE WITH ADMINISTRATION OF ENTITIES.—Except as otherwise specifically provided in this section, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any entity funded under this part.

"(h) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 481B, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) The Director of the National Institutes of Health, acting through the Director of the National Center for Research Resources, may award grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.

"(c) The Secretary may reserve not more than $7,000,000 of the amounts appropriated under section 481A(i) for each fiscal year to carry out this section.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 485A of the Public Health Service Act, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464V through 464Y of such part; and

(C) are inserted, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following new heading:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research and in collaboration with the Division of Nursing of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORTS.—The Secretary shall ensure that, not later than 18 months after the date of enactment of this Act, an interim report describing the preliminary findings of the study conducted under this section will be issued, and not later than 3 years after such date of enactment, a final report shall be issued. Such reports shall be submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by sections 141(a)(1) and 1611(b)(1)(B) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center is authorized to make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical and legal issues, including the issuing of patents, associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

"(3) In carrying out the provisions of paragraph (1), the Director of the Center shall consider proposals from qualified public and nonprofit academic or research facilities.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and members from underrepresented minority groups, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

SEC. 1602. SERVICE PAYBACK REQUIREMENTS.

Paragraph (2) of section 487(c) of the Public Health Service Act (42 U.S.C. 288(c)(2)) is amended to read as follows:

"(2)(A) For the initial year for which an individual receives a National Research Service Award for the conduct of postdoctoral training or research, such individual shall engage in one year of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, or complete a second year of training or research under such Award.

"(B) Service obligations for National Research Service Awards that are less than 12 months may be satisfied—

"(i) by the conduct of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment for a period of time equal to the amount of time under the Award; or

"(ii) by reimbursing the Federal Government for the amounts provided to such individual under the Award.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288-1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) FUNDING; REIMBURSABLE TRANSFERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) TRANSFERS FOR RELATED PROGRAM.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a). Any transfer and reimbursement made for purposes of this paragraph for a fiscal year shall be completed by April 1 of such year.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from minority groups that are underrepresented in the fields of biomedical or behavioral research.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle D—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786" and inserting "747, 748, or 749".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499 of the Public Health Service Act, as redesignated by section 121(b), is amended—

(1) in subsection (a), by striking ", except for" and all that follows through "Transfer Act";

(2) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (d), (f), (g), (h), (i), (j), and (m), respectively;

(3) by striking subsection (b) and inserting in lieu thereof the following new subsections:

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support the National Institutes of Health in its mission, and to advance collaboration with biomedical researchers from universities, industry, and nonprofit organizations.

"(c) CERTAIN ACTIVITIES OF FOUNDATION.—

"(1) IN GENERAL.—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of the following activities with respect to the purpose described in such subsection:

"(A) A program to provide and administer endowed positions that are associated with the research program of the National Institutes of Health. Such endowments may be expended for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the endowed positions.

"(B) A program to provide and administer fellowships and grants to research personnel in order to work and study in association with the National Institutes of Health. Such fellowships and grants may include stipends, travel, health insurance benefits and other appropriate expenses. The recipients of fellowships shall be selected by the donors and the Foundation upon the recommendation of the National Institutes of Health employees in the laboratory where the fellow would serve, and shall be subject to the agreement of the Director of the National Institutes of Health and the Executive Director of the Foundation.

"(C) Supplementary programs to provide for—

"(i) scientists of other countries to serve in research capacities in the United States in association with the National Institutes of Health or elsewhere, or opportunities for employees of the National Institutes of Health or other public health officials in the United States to serve in such capacities in other countries, or both;

"(ii) the conduct and support of studies, projects, and research, which may include stipends, travel and other support for personnel in collaboration with national and international non-profit and for-profit organizations;

"(iii) the conduct and support of forums, meetings, conferences, courses, and training workshops that may include undergraduate, graduate, post-graduate, and post-doctoral accredited courses and the maintenance of accreditation of such courses by the Foundation at the State and national level for college or continuing education credits or for degrees;

"(iv) programs to support and encourage teachers and students of science at all levels of education and programs for the general public which promote the understanding of science;

"(v) programs for writing, editing, printing, publishing, and vending of books and other materials; and

"(vi) the conduct of other activities to carry out and support the purpose described in subsection (b).

"(2) FEES.—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

"(3) AUTHORITY OF FOUNDATION.—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.";

(4) in subsection (d) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "members of the Foundation" in subparagraph (A) and inserting "appointed members of the Board";

(ii) by striking "Council" in subparagraph (B) and inserting "Board";

(iii) by striking "Council" in subparagraph (C) and inserting "Board"; and

(iv) by adding at the end thereof the following new subparagraphs:

"(D)(i) Not later than 30 days after the date of enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the National Institutes of Health shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

"(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

"(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

"(G) The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be greater than the number specified in subparagraph (C).";

(B) in paragraph (2)—

(i) by inserting "(A)" before "The ex";

(ii) by striking "an appointed member of the Board to serve as the Chair" and inserting "an individual to serve as the initial Chairperson"; and

(iii) by adding at the end thereof the following new subparagraph:

"(B) Upon the termination of the term of service of the initial Chairperson of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chairperson of the Board.";

(C) in paragraph (3)(A), by striking "(2)(C)" and inserting "(1)(C)"; and

(D) by adding at the end thereof the following new paragraphs:

"(5) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

"(6) CERTAIN BYLAWS.—

"(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

"(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

"(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

"(iii) Policies for the conduct of the general operations of the Foundation.

"(iv) Policies for writing, editing, printing, publishing, and vending of books and other materials.

"(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

"(i) reflect unfavorably upon the ability of the Foundation or the National Institutes of Health to carry out its responsibilities or official duties in a fair and objective manner; or

"(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.";

(5) in subsection (i) (as so redesignated)—

(A) by inserting ", and define the duties of the officers and employees" before the semicolon in paragraph (4);

(B) by striking paragraph (5);

(C) by redesignating paragraphs (6) through (14), as paragraphs (5) through (13), respectively;

(D) by striking paragraph (8) (as so redesignated), and inserting the following new paragraph:

"(8) establish a process for the selection of candidates for positions under subsection (c);"

(E) by inserting "solicit" after the paragraph designation in paragraph (11) (as so redesignated);

(F) by striking "Executive" in paragraph (12) (as so redesignated);

(G) by striking "and" at the end of paragraph (13) (as so redesignated); and

(H) by inserting after paragraph (13) (as so redesignated), the following new paragraph:

"(14) enter into such other contracts, leases, cooperative agreements, and other transactions as the Director considers appropriate to conduct the activities of the Foundation; and";

(6) by inserting after subsection (j) (as so redesignated), the following new subsections:

"(k) GENERAL PROVISIONS.—

"(1) FOUNDATION INTEGRITY.—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(2)(B)(i)(II)), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

"(2) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(2)(B)(i)(II)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

"(3) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

"(A) provide for annual audits of the financial condition of the Foundation; and

"(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

"(4) REPORTS.—

"(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

"(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

"(D) The Board shall annually hold a public meeting to summarize the activities of the Foundation and distribute written reports concerning such activities and the scientific results derived from such activities.

"(5) SERVICE OF FEDERAL EMPLOYEES.—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its function, so long as the employees do not direct or control Foundation activities.

"(6) RELATIONSHIP WITH EXISTING ENTITIES.—The Foundation may, pursuant to appropriate agreements, merge with, acquire, or use the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation, such as the Foundation for Advanced Education in the Sciences.

"(7) INTELLECTUAL PROPERTY RIGHTS.—The Board shall adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

"(8) NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101-613) and the amendments made by such Act, shall not be nullified by the enactment of this section.

"(9) LIMITATION OF ACTIVITIES.—The Foundation shall exist solely as an entity to work in collaboration with the research programs of the National Institutes of Health. The Foundation may not undertake activities (such as the operation of independent laboratories or competing for Federal research funds) that are independent of those of the National Institutes of Health research programs.

"(l) DUTIES OF THE DIRECTOR.—

"(1) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of the National Institutes of Health, or the designee of such Director, has been executed specifying that the individual shall be subject to such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of the National Institutes of Health determines is appropriate.

"(2) SUPPORT SERVICES.—The Director of the National Institutes of Health may provide facilities, utilities and support services to the Foundation if it is determined by the Director to be advantageous to the research programs of the National Institutes of Health.";

(7) in subsection (m) (as so redesignated)—

(A) by striking "$200,000" each place that such appears and inserting "$500,000"; and

(B) by striking "1995" in paragraph (1) and inserting "1996"; and

(8) by adding at the end thereof the following new subsections:

"(n) LIMITATION.—The Secretary shall ensure that no extramural funds made available by the National Institutes of Health are provided to the Foundation or for activities provided for under subparagraphs (A) and (B) of subsection (c)(1).

"(o) REPORT ON ADEQUACY OF COMPLIANCE.—

"(1) IN GENERAL.—With respect to the mission and function of the Foundation, the Comptroller General of the United States shall conduct an audit to determine—

"(A) whether the Foundation is in compliance with the guidelines established under this section; and

"(B) whether the procedures utilized under this section are adequate to prevent conflicts of interest involving the Foundation, the employees of the Foundation or members of the Board of the Foundation.

"(2) REPORT.—Not later than 18 months after the date on which the Foundation is incorporated, the Comptroller General of the United States shall complete the audit required under paragraph (1) and prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings made with respect to such audit.".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 1801. REVISION AND EXTENSION OF VARIOUS PROGRAMS.

(a) AMENDMENTS.—Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating cancers, opportunistic infections, and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating cancers, opportunistic infections, and infectious diseases";

(3) in section 2315(a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in the part heading for part D, by striking "DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH" and inserting "OFFICE OF AIDS RESEARCH";

(7) in section 2351—

(A) by redesignating subsections (a), (b) and (c) as subsections (c), (d) and (e), respectively;

(B) by inserting after the section heading the following new subsections:

"(a) IN GENERAL.—In carrying out research with respect to acquired immune deficiency syndrome, the Secretary, acting through the Director of the National Institutes of Health—

"(1) shall establish an office to be known as the Office of AIDS Research, which Office shall be headed by a Director who shall—

"(A) be appointed by the Secretary;

"(B) be determined by the Secretary to be an individual who is an outstanding scientist and a highly skilled administrator;

"(C) report directly to the Director of the National Institutes of Health; and

"(D) be the primary Federal official responsible for the conduct of AIDS-related research at the National Institutes of Health; and

"(2) shall provide administrative support and support services to the Director of such Office and shall ensure that such support takes maximum advantage of existing administrative structures at the institutes, centers and divisions of the National Institutes of Health to the fullest extent practicable.

"(b) ACTIVITIES OF THE OFFICE OF AIDS RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the director of the Office of AIDS Research, shall ensure that AIDS research activities are coordinated across and throughout the institutes, centers, and divisions of the National Institutes of Health.

"(2) GENERAL DUTIES.—The Director of the Office of AIDS Research shall, based upon a strategic plan as defined in paragraph (3), develop and oversee the implementation of a scientifically justified budget for AIDS-related research at the National Institutes of Health and coordinate all AIDS-related research activities conducted at the institutes, centers, and divisions of the National Institutes of Health, and conduct evaluations on all such programs.

"(3) STRATEGIC PLAN.—

"(A) DEVELOPMENT.—The Director of the Office of AIDS Research shall, based on the advice of the directors of the institutes, centers, and divisions of the National Institutes of Health, and in consultation with the advisory council established in paragraph (5) and the coordinating groups established in subparagraph (B), develop and oversee the implementation of a comprehensive, long-range plan for the conduct and support of such research by the institutes, centers and divisions of the National Institutes of Health. Such plan shall be updated annually, and shall—

"(i) determine the appropriate overall balance between basic and applied research and between intramural and extramural research;

"(ii) determine and prioritize among critical scientific AIDS-related questions;

"(iii) based upon such determinations, specify the broad short and long range objectives to be achieved, and provide an estimate of the resources needed to achieve such objectives;

"(iv) evaluate the sufficiency of existing AIDS research programs to meet such objectives, and establish evaluation criteria, timelines and objectives for future program evaluation activities; and

"(v) make recommendations for changes and necessary resource allocation in and among such programs.

"(B) COORDINATING GROUPS.—The Director of the Office of AIDS Research shall establish AIDS coordinating groups for each research discipline within the AIDS research program, composed of representatives of relevant agencies of the National Institutes of Health and qualified extramural scientists, to evaluate and assess the efforts of the AIDS Research Program at the National Institutes of Health, to advise on the development of the strategic plan described in subparagraph (A), and to determine the extent to which such efforts are in accordance with such strategic plan.

"(4) COORDINATION.—The Director of the Office of AIDS Research shall act as the primary Federal official with responsibility for overseeing all AIDS-related research efforts undertaken by the National Institutes of Health, and

"(A) shall serve to represent the National Institutes of Health AIDS Research Program at all relevant Executive branch task forces and committees; and

"(B) shall maintain communications with all relevant Public Health Service agencies and with various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in AIDS-related research and the clinical treatment of AIDS and its related conditions, between these various agencies for dissemination to affected communities and health care providers.

"(5) ADVISORY COUNCIL.—

"(A) ESTABLISHMENT.—The Secretary shall, consistent with section 406, establish an advisory council to be known as the Office of AIDS Research Advisory Council (hereafter referred to as the 'Council'), which shall serve to replace the AIDS Program Advisory Committee which is operating on the date of enactment of this subsection.

"(B) COMPOSITION.—The Council shall be composed of biomedical, behavioral, and social scientists, and representatives of diverse HIV affected communities, and shall be appointed by the Secretary.

"(C) AUTHORITY.—The Council shall—

"(i) advise the Director of the Office of AIDS Research and make recommendations concerning the development of the AIDS-related research budget, and the development and implementation of the strategic plan for AIDS-related research at the National Institutes of Health;

"(ii) provide the second level of peer review for awards made directly from the Office of AIDS Research from the discretionary fund described in paragraph (7); and

"(iii) carry out such other activities determined appropriate by the Director of the Office of AIDS Research.

"(6) BUDGETARY AUTHORITY.—The Director of the Office of AIDS Research shall—

"(A) in accordance with the strategic plan established under paragraph (3), in consultation with the Council, and based on budget requests and additional advice from the directors of the institutes, centers and divisions of the National Institutes of Health, prepare and submit directly to the President for review and transmittal to Congress, an annual, scientifically justified budget estimate for AIDS-related research conducted within the agencies of the National Institutes of Health, after reasonable opportunity for comment (but without change) by the Secretary and the Director of the National Institutes of Health, which shall include the amount of funds required (as requested by the directors of such institutes, centers and divisions) for—

"(i) the continued funding of the commitment base (ongoing program initiatives) at the sole discretion of the directors of such institutes, centers and divisions; and

"(ii) the funding of new and competing program initiatives through such institutes, centers and divisions, at the discretion of the Director of the Office of AIDS Research;

"(B) receive from the President and the Office of Management and Budget directly all AIDS-related research funds appropriated by Congress for transfer to, and obligation and expenditure by, the institutes, centers and divisions of the National Institutes of Health in accordance with the budget delineated under clauses (i) and (ii) of subparagraph (A); and

"(C) distribute AIDS research funding to the various institutes, centers, and divisions of the National Institutes of Health in accordance with the budget delineated under clauses (i) and (ii) of subparagraph (A).

The provisions of this paragraph shall become effective in the fiscal year following the submission of the consolidated AIDS budget.

"(7) DISCRETIONARY FUND.—

"(A) AVAILABILITY OF FUNDS.—The Secretary shall ensure that not to exceed 25 percent of the funds available in excess of the amount of baseline AIDS research spending during the previous fiscal year, be made available to the Director of the Office of AIDS Research for the establishment of an AIDS research discretionary fund.

"(B) USE.—The Director of the Office of AIDS Research, in consultation with the advisory council established under paragraph (5), shall use amounts in the AIDS research discretionary fund, either through the institutes, centers and divisions of the National Institutes of Health or grants made directly by the Office of AIDS Research, to—

"(i) fund emergency AIDS research programs;

"(ii) fund programs for the conduct of research aimed at filling gaps that exist in existing research programs;

"(iii) conduct conferences, convene committees, hold meetings or carry out other activities determined appropriate by the Director.

"(C) REDUCTION IN ADMINISTRATIVE IMPEDIMENTS.—Notwithstanding any other provision of law relating to the number of individuals who may be employed as full-time equivalent individuals, with respect to the number of full-time equivalent individuals so employed, the Director of the Office of AIDS Research shall be permitted to authorize the employment of such full-time equivalent individuals to perform AIDS-related research through the institutes, centers and divisions of the National Institutes of Health as described in clauses (i) and (ii) of subparagraph (B) and subject to appropriations.";

(C) in subsection (c) (as so redesignated)—

(i) by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

"(c) OTHER DUTIES.—The director of the office—";

(ii) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively;

(iii) by striking "for the appropriate national research institute of the National Institutes of Health" in paragraph (4) (as so redesignated); and

(iv) by inserting "cannot reasonably be accomplished within the United States and" after "if such research" in paragraph (4)(A) (as so redesignated); and

(D) by adding at the end thereof the following new subsection:

"(f) EVALUATION AND REPORT.—

"(1) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Secretary shall conduct an evaluation to—

"(A) determine the effect of this section on the planning and coordination of the AIDS research programs at the institutes, centers and divisions of the National Institutes of Health;

"(B) evaluate the extent to which this section has eliminated the duplication of administrative resources among such institutes, centers and divisions; and

"(C) provide recommendations concerning future alterations with respect to this section.

"(2) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of such evaluation.";

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes cancers, opportunistic infections, and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

(9) in section 2315(f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(10) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(11) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

TITLE XIX—STUDIES

SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(d) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who re-

ceive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation for each day engaged in carrying out the duties of the panel, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. REPORT CONCERNING LEADING CAUSES OF DEATH.

(a) REPORT.—The Secretary of Health and Human Services shall, not later than October 1, 1993, prepare a report that lists—

(1) the 20 illnesses that, in terms of mortality, number of years of expected life lost, and of number of preventable years of life lost, are the leading causes of death in the United States and the number of deaths from each such cause, the age-specific and age-adjusted death rates for each such cause, the death rate per 100,000 population for each such cause, the percentage of change in cause specific death rates for each age group, and the percentage of total deaths for each such cause;

(2) the amount expended by the Department of Health and Human Services for research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the most recent year for which the actual expenditures are known;

(3) an estimate by the Secretary of the amount to be expended on research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the year for which the report is prepared; and

(4) with respect to the years specified in paragraphs (2) and (3), the percentage of the total of the annual expenditures for research, prevention, and education on the 20 illnesses described in paragraph (1) that are attributable to each illness.

(b) SUBMISSION TO CONGRESS.—The Secretary of Health and Human Services shall submit the report required under subsection (a), together with relevant budget information, to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

SEC. 1908. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and consider all existing relevant data

and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

SEC. 1909. COST OF CARE IN LAST 6 MONTHS OF LIFE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the Health Care Financing Administration, shall conduct a study, using the most recent National Medical Expenditure Survey database, to estimate the average amount of health care expenditures incurred during the last 6 months of life and during the last 3 months of life by—

(A) the population of individuals who are 65 years of age and older; and

(B) the total population, broken down based on noninstitutionalized and institutionalized populations.

(2) ELEMENTS OF STUDY.—The study conducted under paragraph (1) shall—

(A) be designed in a manner that will produce estimates of health care costs expended for health care provided to individuals during the last 3 and 6 months of life;

(B) be designed to produce estimates of such costs for the populations identified in subparagraphs (A) and (B) of paragraph (1);

(C) include a calculation of the estimated amount of total health care expenditures during such periods of time; and

(D) include a calculation of the estimate described in subparagraph (C)—

(i) as a percentage of the total national health care expenditures; and

(ii) for those age 65 years and over, as a percentage of the total Medicare expenditures for those age 65 years and over.

(b) REPORT.—Not later than 6 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings resulting from the study described in subsection (a).

(c) 1996 NATIONAL MEDICAL EXPENDITURE SURVEY.—

(1) IN GENERAL.—The Secretary, acting through the Agency for Health Care Policy and Research, shall ensure that the 1996 National Medical Expenditure Survey is designed in a manner that will produce an estimate of the amount expended for health care provided to individuals during the last 3 and 6 months of life.

(2) POPULATIONS.—In designing the Survey under paragraph (1), the Secretary shall ensure that such Survey produces the data required under such paragraph for the population of individuals who are 65 years of age or older, broken down based on noninstitutionalized and institutionalized populations.

(d) EXPENDITURE STUDY.—

(1) IN GENERAL.—Not later than 6 months after that date of enactment of this section, the Secretary, acting through the Agency for Health Care Policy and Research, shall design a study to produce estimates of expenditures for health care provided to children who are less than 1 year of age during the last 3 and 6 months of life, and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning such design. The Secretary shall ensure that such study is carried out not later than 2 years after the date on which such study is designed.

(2) REPORT.—Not later than 30 months after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the study described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 1910. REDUCING ADMINISTRATIVE HEALTH CARE COSTS.

The Secretary of Health and Human Services, acting through the Agency for Health Care Policy and Research and, to the extent possible, in consultation with the Health Care Financing Administration, may fund research to develop a text-based standardized billing process, through the utilization of text-based information retrieval and natural language processing techniques applied to automatic coding and analysis of textual patient discharge summaries and other text-based electronic medical records, within a parallel general purpose (shared memory) high performance computing environment. The Secretary shall determine whether such a standardized approach to medical billing, through the utilization of the text-based hospital discharge summary as well as electronic patient records can reduce the administrative billing costs of health care delivery.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101-509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 350 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101-509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. TECHNICAL CORRECTIONS.

(a) TITLE III.—Subsection (c) of section 316 of the Public Health Service Act (42 U.S.C. 247a(c)) is repealed.

(b) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 464P(b)(6) (as added by section 123 of Public Law 102-321 (106 Stat. 362)), by striking "Administration" and inserting "Institute";

(11) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(14) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(c) TITLE XV.—Title XV of the Public Health Service Act is amended—

(1) in section 1501(b) (42 U.S.C. 300k(b)), by striking "nonprofit"; and

(2) in section 1505(3) (42 U.S.C. 300n-1(3)), by striking "nonprivate" and inserting "private".

(d) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

(e) SECRETARY.—Section 2(c) of the Public Health Service Act (42 U.S.C. 201(c)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

(f) DEPARTMENT.—Section 201 of the Public Health Service Act (42 U.S.C. 202) is amended—

(1) by striking "Health, Education, and Welfare" and inserting "Health and Human Services"; and

(2) by striking "Surgeon General" and inserting "Assistant Secretary for Health".

(g) DEPARTMENT.—Section 202 of the Public Health Service Act (42 U.S.C. 203) is amended—

(1) by striking "Surgeon General" the second and subsequent times that such term appears and inserting "Secretary"; and

(2) by inserting ", and the Agency for Health Care Policy and Research" before the first period.

(h) VOLUNTEER SERVICES.—Section 223 of the Public Health Service Act (42 U.S.C. 217b) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

SEC. 2003. TECHNICAL CORRECTIONS WITH RESPECT TO THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Title IX of the Public Health Service Act is amended—

(1) in section 904(d) (42 U.S.C. 299a-2(d))—

(A) by striking "IN GENERAL" in paragraph (1) and inserting "ADDITIONAL ASSESSMENTS";

(B) by redesignating paragraphs (1) and (2) as paragraphs (3) and (4), respectively;

(C) by inserting after the subsection designation the following new paragraphs:

"(1) RECOMMENDATIONS WITH RESPECT TO HEALTH CARE TECHNOLOGY.—The Administrator shall make recommendations to the Secretary with respect to whether specific health care technologies should be reimbursable under federally financed health programs, including recommendations with respect to any conditions and requirements under which any such reimbursements should be made.

"(2) CONSIDERATIONS OF CERTAIN FACTORS.—In making recommendations respecting health care technologies, the Administrator shall consider the safety, efficacy, and effectiveness, and, as appropriate, the appropriate uses of such technologies. The Administrator shall also consider the cost effectiveness of such technologies where cost information is available and reliable."; and

(D) by adding at the end thereof the following new paragraph:

"(5) CONSULTATIONS.—In carrying out this subsection, the Administrator shall cooperate and consult with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency."; and

(2) in section 914(a)(2)(C), by striking "904(c)(2)" and inserting "904(d)(2)".

SEC. 2004. TECHNICAL CORRECTIONS WITH RESPECT TO THE HEALTH PROFESSIONS EDUCATION EXTENSION AMENDMENTS OF 1992.

(a) ASSISTANCE IN COLLECTION OF LOANS.—Subpart I of part A of title VII of the Public Health Service Act is amended—

(1) in section 705(a)(2)—

(A) by inserting "and" after the semicolon at the end of subparagraph (G);

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(2) by adding at the end of section 707 the following new subsection:

"(j) SCHOOL COLLECTION ASSISTANCE.—An institution or postgraduate training program attended by a borrower may assist in the collection of any loan of that borrower made under this subpart which becomes delinquent. The institution or postgraduate training program will not be subject to section 809 of the Fair Debt Collection Practices Act for purposes of assisting in the collection of any such loan.".

(b) FINANCIAL NEED REQUIREMENT.—Subsection (b) of section 722 is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) CENTERS OF EXCELLENCE.—Section 739(i)(2)(C) is amended by adding after the period the following new sentence: "Health professional schools described in paragraph (2) of subsection (c) are eligible for funding under this subsection.".

(d) TRAINEESHIPS FOR ADVANCED NURSE EDUCATION.—Subsection (a) of section 830 of the Public Health Service Act is amended to read as follows:

"(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities to meet the cost of—

"(1) traineeships for individuals in advanced-degree programs in order to educate the individuals to serve as nurse practitioners, nurse midwives, nurse educators, or public health nurses, or in other clinical nursing specialities determined by the Secretary to require advanced education; and

"(2) traineeships for nurses in certificate nurse midwifery programs which conform to guidelines established by the Secretary under section 822(b), to educate the nurses to serve as nurse midwives.".

(e) CERTAIN GENERALLY APPLICABLE PROVISIONS.—Subsection (d) of section 860 of the Public Health Service Act is amended by striking "821, 822, 830, and 831" and inserting in lieu thereof "821, 822, and 827".

SEC. 2005. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) of the Public Health Service Act (42 U.S.C. 241(b)(4)) is amended by striking "an annual" and inserting in lieu thereof "a biennial".

SEC. 2006. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than June 1, 1994, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2007. TRANSFER OF PROVISIONS OF TITLE XXVII.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101-381 and section 304 of Public Law 101-509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION"; and

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"PART B—MISCELLANEOUS PROVISIONS".

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

SEC. 2008. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e-4(a)), as added by Public Law 102-515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2009. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1993 or any

subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual behavior. This section becomes effective on the date of enactment of this Act.

SEC. 2010. SUPPORT FOR BIOENGINEERING RESEARCH.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the sources and amounts of public and private funding devoted to basic research in bioengineering, including biomaterials sciences, cellular bioprocessing, tissue and rehabilitation engineering;

(2) evaluating whether that commitment is sufficient to maintain the innovative edge that the United States has in these technologies;

(3) evaluating the role of the National Institutes of Health or any other Federal agency to achieve a greater commitment to innovation in bioengineering; and

(4) evaluating the need for better coordination and collaboration among Federal agencies and between the public and private sectors.

In conducting such study, the Director shall work in conjunction with appropriate organizations and representatives including academics, industry leaders, bioengineering societies, and public agencies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report containing the findings of the study conducted under subsection (a) together with recommendations concerning the enactment of legislation to implement the results of such study.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 155, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a brief analysis of the committee modification be printed in the RECORD.

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

THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

S. 1—CHANGES IN THE COMMITTEE MODIFICATION AMENDMENT

Section and provision

Sec. 101—Review of Proposal for Biomedical and Behavioral Research:

President appoints members of the ethics advisory board.

Secretary can overrule the board's recommendation only if there is a reasonable basis.

Sec. 131—Requirement of inclusion of women and minorities in research:

The Director of NIH will consult with the Director of the Office of Research on Minority Health on the establishment of guidelines requiring the inclusion of minorities in clinical research.

Sec. 302—Program of research on Osteoporosis, Paget's disease, and related disorders:

The National Institute of Dental Research has been added to the list of institutes required to expand and intensify research in the area of osteoporosis and related disorders.

Sec. 303—Establishment of interagency program for trauma research:

Changes the date for the submission of a plan from June 1, 1993 to not later than 1 year after enactment of this Act.

Sec. 503—Center on Sleep Disorders Research:

Establishes an advisory board and a coordinating committee.

Requires a comprehensive plan for sleep disorders research.

Sec. 1031—Prospective Longitudinal Adolescent Health Study:

Deletes $3 million reserved each year for a three year study.

Requires 3-year study to be completed.

Sec. 1101—Clinical and health services research on eye care and diabetes:

Changes from a research centers program to a research grants program. (NIH request)

Sec. 1502—Biomedical and Behavioral Research Facilities Construction:

Secretary appoints member of the advisory board.

The Director of NIH, acting through the Director of the Center, may make grants for facilities construction.

Sec. 1503—Primate facilities construction:

Authorizes that not more than $7 million be reserved from amounts appropriated for the facilities construction program.

Sec. 1521—National Center for Genome Research:

The Director of the Center is authorized to make available not less than 5 percent of funds appropriated to address the ethical and legal issues, including the issuing of patents, associated with the Genome Project.

Sec. 1701—National Foundation for Biomedical Research:

Clarifies the purpose of the Foundation and authorized activities.

Requires the Director of NIH, not later than 30 days after the date of enactment of this Act, to convene a meeting of the ex offico members of the Board. The ex officio members will select the initial members of the Board. The Board will then incorporate the Foundation and establish general operating policies including establishing by-laws.

Establishes guidelines to ensure the integrity of the Foundation and to avoid financial conflicts of interest.

Ensures that the Foundation does not receive NIH extramural funds.

GAO study to ensure that the Foundation is in compliance with the guidelines established by this act.

Sec. 1909—Cost of care in the last 6 months of life:

A study to determine the average amount of health care costs of children who are less than 1 year of age during the last 3 and 6 months of life.

Sec. 1910—Reducing administrative health care costs:

The Secretary may study (not required) whether computer extraction of data from hospital discharge summaries can reduce administrative costs associated with the billing process.

Sec. 2001—Silvio Conte Senior Biomedical Research Service:

Reduces the number of members from 750 to 350.

Sec. 2003—Agency for Health Care Policy and Research:

Technical corrections. (Agency request).

Sec. 2004—Health Professions Education Extension Amendments of 1992:

Technical corrections. (Agency request).

Sec. 2006—Master plan for Physical infrastructure for research:

The plan is due to Congress by June 1, 1994.

Sec. 2009—Support for bioengineering research:

Expands the area to be studied (cellular, bioprocessing, tissue, and rehabilitation engineering).

Mr. KENNEDY. Mr. President, from a beginning as a one-room Laboratory of Hygiene in 1887, the National Institutes of Health have grown into one of the foremost biomedical and behavioral science research centers in the world.

The research supported or conducted by NIH continues to offer the promise of improving the health, welfare, and quality of life of all Americans well into the next century. With each year, the NIH discovers new scientific knowledge to improve the prevention and treatment of disease.

The United States continues to be recognized as the world leader in medical research. This year alone, the NIH will invest more than $10 billion in biomedical research. And this year alone, NIH-supported research will yield many new discoveries of great potential value to the public and expand our understanding of health and disease.

NIH-supported scientists have developed the first animal model for cystic fibrosis. This development should help speed research on new therapeutic strategies for that disease. NIH-supported scientists recently discovered a link between a human gene and high blood pressure. Development of a test to measure that protein could improve diagnosis, treatment, and prevention of high blood pressure.

Recently, NIH scientists were the first to use gene therapy to treat human disease. The first person who received the therapy celebrated her 2d year of healthy life.

Successful use of taxol to treat ovarian cancer and breast cancer, successful use of suramin to treat prostate cancer, gene therapy for drug resistant breast cancer, and new treatment approaches to Alzheimer's disease all came from the intramural program at NIH.

We have learned, however, that we cannot guarantee the health of the American people with obsolete knowledge. We must remain on the cutting edge of science and technology. We must continue to support biomedical research to win the war on cancer, find a cure for AIDS, and effective therapies for people to live with HIV disease, improve the quality of life for people with Alzheimer's disease by developing better treatment, and find the cause of the breast cancer epidemic.

As the American population ages, new diseases emerge for which effective treatments are lacking. We must be prepared to meet these challenges. The reauthorization of programs at the NIH will ensure that we obtain scientific knowledge to prevent disease, to promote health, and to prolong life, reduce

health care costs, and keep America first in biomedical research.

Yet, action on these critical programs was stalled in the 102d Congress because the previous administration vetoed this legislation because of its provisions on fetal tissue transplantation research. As a result, Majority Leader Mitchell designated this important legislation as S. 1.

The pending bill is a modified version of the legislation that passed the Senate last June by a vote of 85 to 12. The most controversial issue continues to be fetal tissue transplantation research. The moratorium prohibiting Federal funding of such research was overturned by President Clinton by Executive orders on January 22, 1993, and this bill provides authority for the NIH to conduct research in this area.

The new bill also contains all the safeguards in the previous bill to prevent potential abuses in such research. Under these safeguards, a clear separation is maintained between a woman's decision to have an abortion and her decision to donate the tissue for research.

The bill also contains new priorities on women's health. In recent years, irrefutable data have demonstrated major gaps in knowledge about the causes, treatment, and prevention of diseases in women.

To cite just a few examples:

Every year, 90,000 women die as a result of strokes.

Fifty percent of all women who have heart attacks die within a year, but only 31 percent of men do.

Lupus occurs nine times more often in women than men.

Today, 1 in 9 women will develop breast cancer, compared to 1 in 20 in the 1960's and the numbers continue to grow.

Each year over a million women suffer bone fractures as the result of osteoporosis.

We are also witnessing an epidemic in lung cancer in women. In fact, lung cancer has now surpassed breast cancer as the leading cause of cancer death in women. In 1991, 51,000 women died from lung cancer, and 45,000 women died from breast cancer.

Most of the biomedical knowledge about the causes and treatment of disease comes from studies on men. The results of these studies have then been applied to women's health care. The lack of direct research involving women has resulted in second-rate care for millions of American women. The challenge we face is to remedy that injustice as soon as possible.

The new legislation will do so, by making women's health a top priority at NIH. The bill ensures increased participation by women in clinical studies. It guarantees that NIH will expand the number of women scientists. It provides additional funding for research efforts on breast cancer, ovarian and cervical cancer, osteoporosis, and reproductive health. It will be a giant step toward a remedy for the failures and the neglect of the past.

The women of America deserve their fair share of health research conducted with Federal funds. They deserve a chance to participate in clinical trials. They deserve a chance to lead healthy and fulfilling lives.

Other important provisions in the bill are directed toward improving the health of children.

A children's vaccine initiative will develop affordable new and improved vaccines for the prevention of infectious diseases.

A study to evaluate the safety and effectiveness of HIV vaccines for treatment and prevention of HIV infection in women, infants, and children.

A child health research center program will speed the transfer of knowledge gained from basic research to clinical applications that will benefit the health of children. Centers for basic and clinical research on cardiovascular disease in children will also be established.

A juvenile arthritis program will expand research into the cause, diagnosis, early detection, control, treatment, and rehabilitation of children suffering from arthritis and related diseases.

This legislation will also ensure that we bring increased priority to our national AIDS research program. Currently, we benefit from the scientific expertise of 21 institutes, centers, and divisions at the NIH in the battle against AIDS. This approach allows the NIH to make use of the best and the brightest scientists in each institute. But at the same time, it is an approach that needs more coordination and strategic planning to maximize the effectiveness of our biomedical investments.

The Committee on Labor and Human Resources played a strong role in the creation of the Office of AIDS Research with the introduction of the first AIDS bill in 1987, and I am pleased that we are now enhancing the authorities of the Office, giving it the tools it needs to do the job.

I am gratified that the AIDS research reform provision has been included with the strong support of the Clinton administration and Senators KASSEBAUM and HATCH.

Finally, the legislation contains the following additional provisions:

Steps are taken to increase the competitiveness of research proposals in States whose facilities have experienced low success rates in obtaining research awards from the NIH.

New Federal policies are developed on scientific misconduct, conflicts of interest, and prevention of retaliation against whistleblowers in connection with NIH research.

An extramural facilities construction program will provide grants to repair the crumbling national biomedical infrastructure.

The National Research Service Awards Program is reauthorized to ensure a continuing supply of scientists and clinical investigators, and increase the number of women and minorities in biomedical research.

The National Center for Sleep Disorders Research in the National Heart, Lung, and Blood Institute will support basic, clinical, epidemiological, and prevention research on these disorders. It will also develop new research programs and educational and training initiatives, and will ensure coordination, cooperation, and collaboration among Federal agencies on these disorders. Forty million Americans are chronically ill with various sleep disorders and an additional 20 to 30 million experience intermittent problems in this area. The consequences are serious and often catastrophic.

The National Institutes of Health Reauthorization Act of 1993 is comprehensive and important bipartisan legislation to advance our knowledge of medical science.

Its goal is to save lives, improve the health of all Americans, and continue the long NIH tradition of research excellence to improve the health of people everywhere. We cannot prevent, treat and cure tomorrow's diseases with yesterday's knowledge. But with the passage of this bill we are recognizing the importance of biomedical research to the Nation's future.

I urge the Senate to approve this essential legislation.

I point out, Mr. President, just at this part of the opening comments, this really is a reflection of not only the support, but the input, of many members of our committee. There are areas of difference that we have in our Labor and Human Resource Committee, but we have been able to work very closely together, all members of the committee, in fashioning and shaping this legislation. It has virtually the unanimous support of all the members of the committee. Perhaps during the course of the debate, when we get into greater detail on the different provisions, I will mention in addition the various provisions that other members were primarily interested in. But it really is an enormously important piece of legislation which continues this Nation's strong commitment in the areas of biomedical research and increasing emphasis of moving that research out into public availability. I am very hopeful that the Senate will overwhelmingly pass this legislation.

I am enormously grateful as always for the help, guidance, and assistance of Senator KASSEBAUM.

The PRESIDING OFFICER. Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, I appreciate the comments of the chairman of the committee. I rise in strong

support of S. 1, the National Institutes of Health Revitalization Act. It has bipartisan Labor Committee support and is an extremely important bill which legislates a wide variety of initiatives, as Senator KENNEDY has already laid out in some detail. Accordingly, I urge the Senate to pass this bipartisan legislation.

In many respects, S. 1 is identical to the conference version of H.R. 2507 which we passed last year by a vote of 85 to 12. Unfortunately, that bill faced a Presidential veto. I hope that this bill can now move swiftly through Congress and be signed into law.

The NIH is a national treasure and the centerpiece of the emerging American biomedical research enterprise. Through NIH-sponsored research, health providers are now able to treat and cure diseases which once led to debilitating illness or death. As just one example, NIH recently gave many children and their families renewed hope that a genetic cure might be developed for cystic fibrosis. And, just as Dr. Salk and Dr. Sabin discovered vaccines for the deadly polio virus, NIH-sponsored research may one day develop the vaccine against the deadly AIDS virus.

As the Nation responds to the national problems of tuberculosis, childhood immunizations, and breast cancer, NIH will lead the charge as it researches and develops effective treatments. Extending healthy life and reducing the burdens of illness and disability through quality scientific research is the mission of the NIH. Passing S. 1 will enable the Institutes to meet this commitment for the American people.

As the Senator from Massachusetts has already outlined, this bill has many good provisions. It will reauthorize the two largest Institutes: The National Heart, Lung, and Blood Institute and the National Cancer Institute. In addition, it will authorize many important new initiatives throughout NIH. I am particularly interested in the new initiative on women's and children's health and on scientific integrity. In addition, I am pleased the bill includes a measure for which I have ongoing interest, tropical diseases.

I would like to commend Dr. Pinn, who is the current director of the Office on Women's Health Research, for her leadership and efforts to ensure the inclusion of women in all appropriate NIH research efforts. I look forward to working with NIH as it goes forward with these significant endeavors. Furthermore, I wish to recognize the efforts of Senator MIKULSKI of Maryland, a member of the Labor Committee, who has been a strong proponent of the women's health research provisions. We shared pleasure in seeing these provisions included in last year's bill and in S. 1 this year.

This bill also calls for improved research for children's health through the new centers at the National Heart, Lung, and Blood Institute and the National Institute of Child Health and Human Development. Furthermore, NIH will include children in AIDS vaccine research. This initiative will help the smallest victims of this terrible disease.

Senator KENNEDY has addressed the immunization issue. I believe all my colleagues share some real concerns about this problem. The lack of adequate immunization rates for children is a great national concern. In Kansas, less than 50 percent of all 2-year-old children are adequately immunized. The costly and complicated vaccine regimen, which requires multiple shots on multiple visits, in part, is the cause of this problem. NIH vaccine research will remedy these problems as scientists create cheaper and more easily administered multicomponent vaccines.

Mr. President, tropical diseases require much-needed research to prevent their spread. Facilitated by the ever increasing volume of international travel and commerce, malaria, dengue fever, and other tropical diseases are surfacing within our borders. In addition, Americans are now threatened by many tropical viruses, including Lassa, Rift Valley, Marburg, and Ebola fevers. I am pleased that S. 1 contains a provision which changes the statutory purpose of the National Institute of Allergy and Infectious Diseases to include the study of tropical diseases.

I am also concerned about the issue of scientific misconduct. During her confirmation hearings, I discussed the issue of scientific integrity with Dr. Shalala. This issue arose during her tenure as chancellor of the University of Wisconsin, as indeed it has in many of our major research universities over the past several years. Research often generates substantial revenues for an institution and professional reputations are on the line. It is critical that appropriate procedures be in place to assure the thorough and fair investigation of charges of scientific misconduct.

This legislation attempts to address this important matter through the establishment of an Office of Scientific Integrity within the Department of Health and Human Services. This office will oversee measures to prevent and investigate scientific misconduct in NIH-sponsored research efforts. In addition, the bill provides for the development of the definition of scientific misconduct. It is my hope that these scientific integrity provisions will provide a solid framework for guiding our efforts to combat any fraud and misconduct that may take place. I look forward to reviewing the work of the office as it undertakes this task.

Recently, President Clinton lifted the moratorium on the use of fetal tissue for transplantation research, and there are safeguards contained in this legislation to ensure the delicate balance between the pursuit of science and the ethical and moral issues involved in the use of fetal tissue. These safeguards directly address the fears and concerns which many of us have expressed about potential abuses. Importantly, this legislation will apply those safeguards to privately funded research for the first time.

Mr. President, the AIDS provisions in this bill represent a significant compromise reached between Senator KENNEDY and myself and others. However, at its introduction, I did not support this measure. I was concerned the provisions would have used valuable AIDS research resources on bureaucracy and hurt basic research activities. Through its creation of an institute-like structure for AIDS research, the provisions would have set a precedent of creating disease-specific institutes. Institutes use resources for administration which are better spent on research. I am pleased that we were able to reach a compromise which will ensure that the Office of AIDS Research is a planning and coordinating body, not in effect a new AIDS institute.

I believe the agreement meets the goals of a 1991 Institute of Medicine blue ribbon panel which examined the AIDS research program at NIH. That panel concluded that NIH should not form an AIDS institute. However, it did recommend improvements in strategic planning and coordination of the NIH-wide AIDS research effort, and I believe the Kennedy-Kassebaum committee substitute AIDS provisions will achieve this goal.

Under our agreement, the Secretary, not the President, will appoint the director of the OAR. The Office of AIDS Research will have the power to develop an AIDS research strategic plan, but will coordinate its implementation across the institutes—the OAR will not conduct research itself. While the entire NIH-wide research budget will continue to pass through the OAR, it will only directly control the distribution of new research funding. Ongoing AIDS research funds will remain at the sole discretion of each institute director. Finally, our compromise streamlines the bureaucracy and prevents the OAR from wasting valuable resources through a provision which prohibits the duplication of evaluation and planning functions which now occur in the institutes.

In conclusion, reauthorizing research at the National Institutes of Health is an important investment for the American people. This act embodies 2 years of careful deliberations by this body. This bipartisan bill will lead to improved health for all Americans, and I urge my colleagues to support its adoption.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, the fact that we have S. 1 before us today—on the 12th day of this session—is testament to both the importance of our Nation's research infrastructure and the urgency Congress feels about moving our biomedical research agenda forward. Moving it forward quickly and wisely.

This is not last year. I could not say it more simply.

Issues that divided us last year, controversial issues such as the moratorium on fetal tissue research, are now moot.

In a bipartisan spirit of cooperation, the Labor and Human Resources Committee voted 16 to 0 to move this bill to the floor; 16 to 0. That says it all. It is not the time for gridlock, delay, or finger-pointing.

And in that same bipartisan spirit of cooperation, I will keep my remarks brief.

My purpose today is to express support for S. 1—I am an original cosponsor and strong proponent of the bill—and I intend to do what I can to ensure it is moved to the House as quickly as possible.

Some may question how I, who led the charge against the bill last year, could be a strong supporter of the measure this year. In fact, earlier this month someone stopped me and inquired about my so-called dramatic reversal on the validity of fetal tissue research.

I was surprised at this question, Mr. President, because nowhere in the debate did I ever criticize the scientific validity of fetal tissue research. In fact, I stated that some of the literature indicated it is quite promising. I also stated that I was a strong proponent of fetal tissue research.

Let the record be clear: I still maintain that the NIH-supported fetal tissue banks can be an efficient and effective means to supply tissue for research. In last year's haste to try and overturn the moratorium, I do not think proponents of S. 2507 paid sufficient attention to setting up a viable supply system for tissue.

Let the record be equally clear: last year, I objected to use of tissue from induced abortions. I still do. I wish the banks had been given a chance to work as the last administration envisioned them.

But that battle is over. The argument has been superseded by President Clinton's actions last week. And the bill contains a strong set of safeguards—which I insisted upon—which are aimed at protecting women from undue pressure or persuasion to have an abortion in order to make tissue available. That simply would be illegal.

In our debate, it is important to acknowledge the essential role scientists and administrators at NIH play in advancing our Nation's medical knowledge and in providing treatments and cures for a host of diseases and conditions, both small and large.

NIH is yielding exciting results. Look at molecular research. Doctors have been taking natural components and cell products, such as growth factors and receptors, and using these isolated elements to apply drugs in a highly focused way to targeted body areas. These smart bombs for cancers focus on bad cells without affecting the good cells. Clinical trials are already underway using this technology as a local therapy for patients with bladder cancer. It is amazing. It is impressive.

Look at structural biology. Look at vaccines. Look at lead poisoning. NIH's success stories would fill volumes. The institutions that collectively make up NIH are on the leading edge of biomedical research. That is the way it should be.

It is our job in Congress to provide NIH with the support it needs to get the job done. And that is what S. 1 aims to do. It is not the bill I would have written could I have begun from scratch. But it is a good bill.

The challenge for Congress and for the new administration is to support and guide NIH in continuing its stellar leadership in medical research without micromanaging its efforts or succumbing to partisan bickering over identifying priorities for the agency.

I promised to be brief, so I will limit the remainder of my remarks to three specific sections of the bill. The first is the section dealing with research on women and minorities.

For too long, medical studies performed in the United States have been biased against women and minorities. As a result, these populations have not had equal opportunity to receive the promises biomedical research holds. I have also found that little research is being focused on problems that only affect women.

I am gratified that this bill takes a strong step to address the problem. It requires research specifically targeted at women's health problems. It establishes the Office of Research on Women's Health, to identify problems unique to women that need research attending—to coordinate NIH efforts to explore these issues—to oversee the methodologies used to perform the studies.

The time has come to respond properly to the medical needs of this Nation's women. Mr. Chairman, I worked with you on this bill to ensure that women and children are included in AIDS vaccine trials. This legislation will take us in that direction.

The bill we have before us today contains a highly significant set of changes that were not present last year. These provisions focus on the AIDS research agenda at NIH.

I have been visited by Mary Fisher and I wear this pin, just a little plastic pin that she gave me which shows compassion for those who suffer from AIDS. I have also been visited by Elizabeth Glaser.

These are both brave and courageous women. They did not come to me as Republicans, nor did they come to me as Democrats. They did not come to me as women or mothers. They did not come representing any particular race, geographical locale, or economic income.

They came to me as people who know and people who care. They know of our scientists' hard work to find a cure for AIDS, but they also know that the cure is not coming fast enough.

How can we face these brave women and tell them we have done all we can? In good conscience, we cannot.

I have to say that in the case of pediatric AIDS, one of their special interests, Senator METZENBAUM and I raised the first $1 million in private funds to begin efforts on this specific problem. Last night, I noticed there is going to be a television show to raise money strictly for pediatric AIDS. And, there have been marvelous fundraisers out in Hollywood to raise money for pediatric AIDS. A lot of this has been inspired by this wonderful human being named Elizabeth Glaser.

I also mentioned Mary Fisher, who has done an equally compelling job. She came to visit us out in Utah and spoke to our women's conference and our youth advisory committee. She did a terrific job of making people more aware of others who are HIV positive and, yes, those who have AIDS. I could not have a greater appreciation for her or Elizabeth than I have today.

I want, with all my heart, to resolve these problems, not only for them, but for all people who suffer similarly.

As I said, S. 1 contains a highly significant set of changes for AIDS. It establishes an Office on AIDS Research. It establishes new lines of reporting at NIH. It mandates a new AIDS strategic plan. The AIDS budget will be more concentrated and under the direct authority of the new Director of the AIDS Office. The AIDS budget will be expedited without well-meaning but burdensome layers of administrative review.

It is true, this bill may shake things up just a bit. The old organizational structure will be challenged. But I assure our NIH Directors that we will do all we can to work with them to make sure they have a fair hearing and their concerns are addressed.

We all have the same goals, and that is important to keep in mind. But the bottom line is: we just cannot afford a

business as usual attitude. Our best is not good enough. We have to keep trying. People are dying—and women and children are dying.

Finally, let me just mention one other provision of special interest to me. Section 1909 requires a study of the costs of medical treatment in the last 3 months of life and in the last 6 months of life. This study will provide invaluable information that can then be used to evaluate the effectiveness and cost of such health care. I believe that this information is important to the health care reform debate. To date, no study has examined national health care expenditure data for such an analysis.

Mr. President, Gen. George Patton, responding to criticism over his plan to halt the World War II German advance during the Battle of the Bulge, responded that "a good plan today is better than a perfect plan tomorrow."

The same thing may be said about this particular reauthorization bill. It is not perfect, but it is a reasonable, appropriate response to the demands placed on our biomedical research infrastructure.

Let us put aside our past rancorous debate. This is a new time in America. This is a new bill, and it deserves to move forward.

I particularly want to commend our chairman, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, for their very fine work on this bill. They both have done a marvelous job, and we have tried to help whenever we could. I intend to work with both of them to ready this bill for the President's signature. I think these two leaders on the committee are doing their very best to work together and to provide the very best for NIH and for the people of this country. The American people deserve no less than the best research NIH has to offer.

Mr. President, there are a lot of excellent provisions in this bill that could help virtually every one in America improve their health status. I want to thank both of my colleagues, and the other members of the Labor and Human Resources Committee, for their prodigious efforts. They have worked hard to accommodate people, to compromise and resolve difficulties, and to work together in the best interests of our country, the NIH, as well as the men, women, and children in our country. I feel particularly good about this bill.

I yield the floor.

(Mr. WELLSTONE assumed the chair.)

Mr. KENNEDY. Mr. President, I want to express our appreciation to our friend from Utah, Senator HATCH. As he has pointed out during the course of the debate, this legislation has had very considerable discussion over a year, and Senator HATCH was very much involved in a number of the provisions.

We did have some areas where there was difference, but I want to express all of our appreciation for the work that he has done in the developing of earlier pieces of legislation, also on this legislation. We welcome his help and assistance and his contribution in moving this whole process along.

Mr. HATCH. I thank the Senator. I appreciate his kind remarks.

FETAL TISSUE BANKS

Mr. HATCH. Could the distinguished chairman of the committee respond to a brief question on an issue which is very important to me, the fetal tissue banks at NIH?

Mr. KENNEDY. I would be happy to do so.

Mr. HATCH. As the chairman is very aware, during our debate on the NIH bill last year, I urged the administration to go forward with the idea of setting up fetal tissue banks, to serve as a collection point for tissue which could be used for important biomedical research. I said at that time, as I underscore now, that I do not oppose the use of fetal tissue for research. In fact, I think it holds great promise. What I did object to was that we would be encouraging fetal tissue transplantation from a source which was ethically troublesome to many Americans, when, in fact, alternative sources are available.

HHS did go forward with the banks last fall, and I understood that plans were for five banks to be funded for a 2-year period. If I recall correctly, the chairman did not object to the use of the banks, but rather he wished to make certain that setting up the banks did not in any way delay fetal tissue for research. Is my understanding correct?

Mr. KENNEDY. Yes, it is. There is a long history to this issue, which I will not reiterate here as we are all interested in moving this bill quickly to the President for signature. While I have a profound respect for my colleague from Utah, with whom I have worked closely on major health legislation over the years, the gentleman and I do have disagreement on the issue of whether tissue from elective abortions should be used for research. With the President's directive, that issue is now moot.

The bill is silent on the issue of the banks. However, I agree it was our committee's intent last year that HHS give them a fair try, and I see no reason to alter our intent that 2 years was a fair trial period, provided again, that there is no delay in research.

Mr. HATCH. I thank the chairman for those assurances. As you know, I am a strong proponent of S. 1. I am happy to support the bill this year. I am enthusiastic about it.

But I do have a longstanding interest in the banks and I believe that the banks could have value if their ability to provide an alternative source of tissue from spontaneous abortions were demonstrated. In addition, these banks will develop standards to ensure disease-free sources of tissue. I know that HHS is concerned about the money to fund them through next fiscal year. In a 10 billion-dollar budget for NIH, though, I think they ought to be able to find the funds. I will talk to the appropriators about this, if necessary.

Frankly, I was disturbed that NIH chose to spread out the funding among five projects, most of which are not institutions with large obstetrical services or in the more highly populated areas of the United States. If the future of the banks falls on the issue of funding, perhaps a smaller number of high quality projects would yield more productive results. I hope Secretary Shalala, for whom I have a great deal of respect, will take a look at this.

Again, I do not intend to hold up the debate on this meritorious bill, but I thank my colleague for his cooperation and his assurances.

AIDS RESEARCH SECTION OF S.1

Mr. HATCH. I would like to ask the distinguished chairman of the Labor and Human Resources Committee to respond to concerns a number of scientists have raised regarding the impact of these important reforms on how the NIH conducts AIDS research.

The chairman and I have a long history of working together on legislation to make our Nation's AIDS programs more efficient and effective. That is certainly our intent here. Does the Senator feel in any way that this bill would undermine NIH's AIDS research program?

Mr. KENNEDY. No; I don't. The linchpin of NIH's extramural research program—the peer review process—would remain unchanged. All extramural research funded through the Institutes would continue to be reviewed as it has in the past.

The newly strengthened Office of AIDS Research [OAR] would be involved in setting budgetary and policy priorities; it would not impose an additional layer of peer review over the various Institutes and Centers currently conducting AIDS research. The research funded directly by OAR would also have to be peer reviewed, utilizing an appropriately constituted study section, with second level review by the OAR Advisory Council.

Mr. HATCH. The point the chairman raised about imposing an additional layer of review is an important one. Does the chairman feel that the way we have strengthened OAR, giving the Director more of a coordinating role over AIDS research, will in any way delay speeding funds to research priorities?

Mr. KENNEDY. No; I do not see any need for delay. We have studied this in great length. As the Senator knows our staffs have had extensive discussions with the best minds in this field. There is going to be a certain level of discord

anytime you make changes in the system. We all recognize this. But I am confident that the NIH can quickly adapt to the changes and work—in the spirit of bipartisan cooperation we all share—to carry out the intent of these revisions.

Mr. HATCH. I agree with the chairman. I understand that these changes do have the endorsement of the AIDS Action Council, the National Commission on AIDS, and the administration, to name a few.

In fact, when Secretary Shalala—who supports the AIDS provisions strongly—testified before the House earlier this month, she said:

If there is any sense on our part that some reorganization would in fact impede our ability to move forward in terms of AIDS research, we will be the first ones back here at this table to tell you that we have a structure that doesn't work. We believe that we can make the structure work, and therefore we support the [Senate] recommendations.

Mr. KENNEDY. I agree. Let me add a point. Science would not be delayed by any provision in this bill. Funds for continuing grants would be awarded immediately to the Institutes at the beginning of the fiscal year, essentially as it has functioned in the past.

During the budget process, new initiatives, with new-and-competing funds, would be prioritized by the OAR, in consultation with the ICD's and the AIDS Program Advisory Council. Once the President's budget is forwarded to the Congress, the Institutes could begin developing RFA's and the carrying out of the logistical work needed to get money awarded as quickly as possible.

Only if the Congress appropriated less money than the President's request would there be uncertainty in funding new initiatives. But that is the case under the current system as well.

Mr. HATCH. Some have expressed concerns that the Institute Directors' ability to allocate priorities would be undermined since a significant portion of their funds would be rerouted to the OAR Director's control. Does the chairman feel this is the case?

Mr. KENNEDY. I understand the concerns. I have looked into them very carefully, and I am confident we have designed a system which will expedite a coordinated, strategic AIDS research program without unduly harming the Institute Directors' ability to conduct any research, AIDS or non-AIDS.

Only those programs that are new or competing will fall under the authority of the OAR Director. The commitment base programs, those continuing research grants, will not be subject to budget review by the OAR. Competing renewals will be subject to the enhanced prioritization and planning review process. In short, if they continue to meet the evolving goals and objectives of the overall NIH AIDS plan, they will be competed and continued as in the past. Competing fund will be distributed to the various Institutes and Centers, and only moneys from the discretionary fund would potentially go out in direct grants from the OAR.

Mr. HATCH. There seems to be some concern that the bill would allow the OAR Director to transfer AIDS research positions from one Institute to another, or to OAR. This is simply not the case.

Mr. KENNEDY. No, of course not. The intent of this legislation is to make sure there are no OMB-imposed ceilings on FTE's needed for the discretionary fund. The bill will not take existing research FTE's away from any Institute.

I know the Senator has mentioned to me his concern—which I share—over recent reports that less than half of the FTE's budgeted for the OAR are actually assigned to OAR. In addition, it is possible that some of the FTE's currently allocated to the National AIDS Program Office [NAPO] for coordination of AIDS activities could be more effectively utilized in the OAR. I hope that Secretary Shalala will look into this and take whatever corrective action is needed on a priority basis. I know she shares our commitment to improving AIDS programs at her agency.

Mr. HATCH. There has been a good deal of discussion about the baseline in this bill. S. 1 creates a discretionary fund for the OAR of up to 25 percent of funding above the baseline. Do we have agreement on how that baseline is defined?

Mr. KENNEDY. Yes there is agreement. I also believe there may be some confusion between the commitment base and the baseline.

The baseline is used to determine how much funding would go into the discretionary fund for the OAR Director, that is, the fund from which the OAR Director could make grants directly. The baseline would essentially be the current services budget or the last fiscal year's appropriation for all NIH research related to AIDS adjusted for biomedical inflation. It is my understanding that that amount for fiscal year 1993 would be about $1.1 billion. The discretionary fund would be comprised of up to 25 percent of any new funding above that amount.

For example, in fiscal year 1994, if we appropriate $100 million above fiscal year 1993 current services, up to $25 million would be available for the OAR's discretionary fund. The commitment base, in contrast, is used to gauge the amount of funds over which the OAR Director would have oversight and coordination authority, leaving the Institute Directors with the authority to actually make the grants. Let me make clear that the discretionary fund would not come out of the commitment base for NIH AIDS research, or out of the competing funds that have rolled over.

Mr. HATCH. How does the chairman envision this discretionary fund being used?

Mr. KENNEDY. The purpose of the discretionary fund is twofold: it can be used to address emergency situations that could not be anticipated during the planning and budgeting process; or, it could be used to support targeted research efforts, peer reviewed by the AIDS Program Advisory Council, on an expedited basis to fill gaps in the overall national AIDS research program. If the entire fund were not needed, it would be passed on to the Institutes and Centers based on the priorities set in the overall research plan.

Mr. HATCH. Does this mean that the OAR could tap funds already committed by the Institutes and Centers, either from the commitment base or from those discretionary funds passed on to the Institutes and Centers?

Mr. KENNEDY. That is not our intent. We intend that the OAR Director have a strong coordinating role upfront, and that the need to shift funds from one Institute to another would be minimized.

The OAR Director's discretionary fund is received at the beginning of the fiscal year from new funds appropriated by the Congress. It does not function like the NIH Director's 1-percent discretionary fund, which is like a tap on the Institutes and Centers—whether they are baseline funds or discretionary funds.

Mr. HATCH. This brings to mind one last issue. I am concerned, as I know is the Senator from Massachusetts, that the Institute and Center Directors continue to play a vital role in the process. Certainly, it is necessary to make some changes to enhance the process, and as the Senator earlier said, this will entail some disruption. On the other hand, we need to make certain that the ICD's are full partners in the process. The chairman has already addressed the budget aspect. What about the planning process?

Mr. KENNEDY. I believe we are in total agreement on this. Under the legislation, the strategic plan will be developed by the OAR with extensive involvement by the Institutes and Centers in collaboration with the advisory councils.

It is our intent that the foundation of the AIDS strategic plan be generated by the individual Institutes. While the OAR would have enhanced priority-setting and budgetary authority, all budgets and plans would be made in consultation with the Institute and Center Directors and the OAR Advisory Council. I see this as a partnership effort.

Mr. HATCH. I thank my colleague. I believe we are in total agreement.

Ms. MOSELEY-BRAUN. Mr. President, the NIH reauthorization bill is a critically important piece of legislation. This bill was wrongly vetoed last year. This legislation contains sound,

well-thought-out provisions that will improve the health of the citizens of this Nation.

S. 1 emphasizes women's health research, a subject to which I am very committed. The bill requires the NIH to include women and minorities as subjects in all clinical research it conducts or supports.

Heart disease claims more women's lives than any disease in this country, yet all of the major studies of the cause and prevention of heart disease have only involved men.

A 1988 study of 22,000 physicians found that aspirin could prevent heart attacks. Sadly, however, no women were involved in the study. Today, doctors recommend their older male patients at risk for heart disease to take an aspirin every other day. But they cannot offer their older female patients at risk for heart disease the same advice with certainty precisely because women were not included in the study.

No women were included in a 15-year study of 13,000 people on premature heart disease. Nor were women included in a 15-year study which researched the effects of lowering cholesterol levels in 4,000 people, despite evidence that women's cholesterol levels typically increase after menopause and are affected by factors such as the use of oral contraceptives.

Mr. President, there are now six women in the Senate. I hope this job does not stress any of us out too much, because there has not been enough research on us for doctors to suggest with certainty preventive strategies against heart disease resulting from the stress of long hours, late nights, and constant plane trips home. Only stress-related heart disease in men has been studied.

S. 1 provides statutory authority for the Office of Research on Women's Health. It also establishes a national data bank and clearing house for the collection, storage, analysis, and dissemination of information on women's health research.

S. 1 authorizes a program for intensified basic, clinical and behavioral research on osteoporosis, which strikes mainly post-menopausal women. Although every woman who lives long enough enters menopause, the biology of menopause is poorly understood. Physicians increasingly prescribe hormone replacement therapy for postmenopausal women to prevent osteoporosis or cardiovascular disease, yet researchers are unable to answer with certainty the questions women have about the safety and efficacy of hormone replacement therapy. S.1 expands and intensifies research activities on breast, ovarian and other cancers of the reproductive system.

S. 1 establishes a program to recruit and provide research training to women who are now underrepresented in the fields or biomedical and behavioral research. I am happy to know that the labor and human resources committee is concerned about the lack of women in senior level positions at the NIH, and that it encourages each institute to develop its own plan for improving the representation of women among its senior ranks and throughout. This training targeted toward women will help to address this problem.

Not only does S. 1 revitalize women's programs at NIH but it also serves as an important vehicle for enhancing the health of our Nation's children. In the last few days both President Clinton and Secretary of Health Donna Shalala have forcefully stated their commitment to the vaccinating of children. I too, share their concern and commitment. We must use all the tools available to us to protect our children from illnesses which we already know how to prevent. S. 1 creates a children's vaccine program which provides support for the development of affordable and new vaccines. The goal is to create longer lasting vaccines requiring fewer patient visits to a clinician. I am confident that with NIH leading the way we can accomplish that goal.

Vaccine development is not the only area S. 1 contributes to the health of our Nations children. This legislation not only will increase funding on child health and development but will also be important for information dissemination. If we are not successful in disseminating the fruits of our research to those that actually provide services to our children we will not be successful in improving the care of our Nation's youngest citizens.

S. 1 also ensures improved funding of research targeted to older children and adolescents. In particular S.1 provides funding for research on juvenile arthritis and proposes funding for a longitudinal study of adolescent health. This study seeks to determine the behaviors that promote health and those that do not, as well as identify particular environmental factors which affect adolescent health. We may not learn why our teenagers suddenly seem to turn into beings from other planets but we will learn information that will help us as parents provide the most healthy environments for our children.

Improving the health of children is a goal that every one of us shares. Fetal tissue research, on the other hand, provokes heated, heartfelt debates among even the best of friends.

Research using the tissue from aborted fetuses has the ability to help those with Alzheimer's and Parkinson's disease. However, I believe sincerely we must be very careful in this area and handle research requests with sensitivity and with respect for the concerns of those who do not feel that this is necessarily appropriate. I am convinced that allowing fetal tissue to be used for research in appropriate cases contributes to the greater good of our society and must be allowed to go forward without political bias.

The President has lifted the moratorium on fetal tissue transplantation research and S. 1 codifies his action. I support him and the inclusion of the fetal tissue provisions in this bill.

I fully support S. 1 and encourage all of my colleagues to do the same. NIH research has been restrained for far to long. As the Nation's and the world's premier scientific institution we must pass this legislation to allow the important work of NIH to expand and flourish.

In closing, Mr. President, I commend Senator KENNEDY, Senator HATCH, and others, who have worked on this legislation, developing this legislation over the course of years, for their fine work in this area, for their sensitivity to the concerns expressed by women, communities, and minorities throughout this country and for their abiding commitment to the health of our children.

Thank you very much.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise today to commend the National Institutes of Health for all its work. Its scientists are responsible for discoveries in everything from influenza to Lyme disease and emphysema. Today, though, I want to focus my remarks on NIH's work in the field of pediatric AIDS.

I visited NIH yesterday and I met with world-class researchers like Dr. Anthony Fauci. I also met with parents from the State of Washington whose 12-year-old son is being treated at the Institute. I came away with mixed emotions. I am heartened by the astounding progress in AIDS research made by our scientists in the past few years, and heart broken for the unimaginable loss of life—of young life—that is inevitable in the coming decade.

Increasing numbers of AIDS deaths in the coming years will be young people—teenagers and children. Adolescents with overt AIDS are still uncommon, but HIV-infection during the teen years is a serious problem and a significant challenge. As the demographics of the epidemic have shifted, teenagers are carrying AIDS into the next decade.

AIDS cases in adolescents have been reported in all 50 States, Puerto Rico, and the District of Columbia.

Nearly one-third of the AIDS cases among teens has been reported in areas with populations of less than 500,000.

AIDS is now the sixth leading cause of death among youth ages 15 to 24.

The number of teens with AIDS increased by more than 70 percent in the past 2 years. One in four is female, and more than half are minorities.

Every day, I see in my own children all the pressures they must feel as teenagers in the nineties. As parents,

we all wish that as our children deal with the day-to-day challenges they face—school, friends, drugs, peer pressure—the outside world would be safe for them. Today, it is not—AIDS is a constant dark cloud over their heads. As everyone knows, adolescence is a time when sexual behavior and drug use patterns are developing. Clearly, this is a critical time to make sure those patterns are positive.

I know from firsthand experience, that in all we do with adolescents, we must be nonjudgmental and straightforward. Kids today are exposed to more information and misinformation than ever before. It is shocking that many kids hear more about AIDS on the playground than in the classroom or at home. This is a killer epidemic. We must educate ourselves and our kids about AIDS.

Preventing HIV-infection among adolescents will require new, creative approaches like those being devised at NIH. The emphasis there is on teamwork and unity. Scientists work in interdisciplinary teams. Researchers are discovering breakthroughs right down the hall from the patients' beds. I was most impressed by how hard the staff works to maintain the family unit so that the disease that ravishes the body does not rip apart the family. These are family values at their best.

Yesterday at NIH, I spoke with Dr. Lauren Wood of the AIDS Working Group. Her section is developing initiatives targeted at teens, especially adolescent mothers with HIV-infected children. We must stand behind the courageous work of people like Dr. Wood. They are on the front line of this war on AIDS. They need the funds to continue their vital work.

Dr. Wood told me that a common case of AIDS diagnosis today is of a young couple in their midtwenties who has their first child. All is happy and well until the child, at 6 months, has a sudden serious infection. The diagnosis is AIDS-related pneumonia and suddenly, the entire family—mother, father, and child—is diagnosed HIV-positive.

Less than 5 percent of the current Federal AIDS dollars support research or services that benefit teens. Federal health policy regarding adolescents and HIV is essentially nonexistent. There are some model programs dealing with American youth and HIV infection, but there are precious few resources dedicated to disseminating information about these programs. State-of-the-art school-based programming is sparse.

The Ryan White CARE Act, the Federal law most likely to improve adolecents' access to HIV-related treatment and services, has been severely underfunded. I was astounded to find out that in the last 2 years, funding was less than one-third of the total authorized by Congress.

But this is a new era. People say that the face of the Senate changed in January. There are now two mothers of teenagers in this body. I am proud to speak for this group. I came to the U.S. Senate unafraid to discuss these issues. Unintimidated either by the subject matter or by those who would have us ignore it.

And, look what AIDS is costing us, because we ignored it—$11 billion in 1994. How much will future generations pay if we continue to ignore it? We must invest. Invest in basic research that has applications across science. Invest in technology transfer strategies that allow the industrial community to work with Government scientists for the betterment of all Americans. Invest in the kinds of research that help develop new industries, like the biotech industry, to keep America on the competitive edge. Invest in our children. Invest in NIH.

What are we waiting for? I firmly believe that in 50 years, our grandchildren will look back at us and demand to know why so many did so little. I am dedicating myself to the fight of this disease, to do all I can to help eradicate the epidemic.

I take this pledge seriously, for when I stand in this body, I do not forget my responsibilities as a mother. Preventing further HIV-infection in adolescents will depend on the combined efforts of all people who have contact with adolescents. I am one of these people. So are our researchers, physicians and social workers at NIH.

AIDS is America's problem. It is an American family problem. The AIDS epidemic will leave more than 80,000 children without parents by the end of the decade. Unless more resources are devoted to those orphans, a social catastrophe of the greatest magnitude is unavoidable.

We need to find a cure for AIDS. We cannot set our sights lower than that goal. The cost to our families and our society will not let us. Until that time, we must do all we can to help those who suffer and to prevent our future generations—America's young people—from becoming infected. That is why I am supporting this legislation. The diseases being combated at NIH are not waiting for us to finish this debate. I cannot imagine how much our children and our society will pay tomorrow if we do not reauthorize NIH funding today.

I wish to join in thanking my colleague, Senator KENNEDY, for his work on this bill and urge everyone's strong support and fast passage.

Mr. KENNEDY. Mr. President, while we are waiting for some of our colleagues to make comments, I want to bring to the attention of the membership a part of this NIH reauthorization which I think is enormously important. That is the provisions in the legislation that deal with women's health needs in our society. I will read some excerpts of the record of the National Institutes of Health, "Opportunities for Research In Women's Health," September 4–6, Summary Report, from the Office of Research on Women's Health:

Half of all women but only 31 percent of men who have heart attacks die within a year. Approximately 90 percent of all heart disease deaths among women occur after menopause.

Osteoporosis affects over 24 million Americans, primarily women. It affects one-third to one-half of all postmenopausal women, and the rates for osteoporosis increase dramatically with age, ranging from 17 percent for women ages 45 to 49, to 90 percent for 75 years of age or over, with all the accompanying complications of bone fractures and postural difficulties.

We find that 90 percent of individuals with lupus are women. There are also important differences between the rates of disease among black women, white women, and Hispanic women. Death from stroke occurs twice as often in black women as in white women. Rates of death from coronary disease are higher for black women than for white women—172 versus 106 per 100,000.

The incidence of breast cancer is lower for black women than for white women, but death rates from breast cancer are higher for black women than white.

Rates for lung cancer are higher for white women than for black women. And the incidence of cervical cancer is twice for Hispanic women when compared to non-Hispanic women. Death due to stomach cancer is twice as high for Hispanics as for non-Hispanics.

The incidence of these various health disorders comes at a predictable time for women. The time for understanding why these differences occur and how these diseases can be treated is due, certainly, overdue.

I see Senator FEINSTEIN on the floor at the present time, who wants to address the NIH issue. I hope that I will have an opportunity to go through some of these statistics in greater detail a little later in the debate and discussion.

At this time I withhold further comments.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise today in enthusiastic support for Senate bill 1, the NIH bill. I would like to take this opportunity to commend Senator KENNEDY and the committee for the excellent work done on this bill because not only is it a breakthrough in the legislative roadblocks of the last several years, but it is going to result in additional medical breakthroughs that will increase the quality of health care for millions of Americans.

One of the critically important sections of this bill will expand and inten-

sify the research programs on breast cancer—and we all know the alarming statistics—on cancers of women's reproductive systems, osteoporosis, and related bone disorders.

I was listening to Senator KENNEDY just speak. I must say it is unbelievable to me it has taken up to now to require the inclusion of women and minorities as subjects in NIH clinical research. I will never forget picking up the newspaper and reading there was a test on the impact of coffee in the cholesterol of the blood and finding that women had been entirely left out of the test. Of course, we have cholesterol as well. So I strongly support this provision.

For too long there has been an alarming lack of information on a variety of diseases which primarily affect women. The list of research projects completed through NIH without participation from women goes on and on. And I look forward to the time that women, too, will lead healthier lives and that research dollars will be more equitably allocated and meaningful studies conducted.

Enactment of this bill creates the very real potential for dramatic changes in women's health. Because women are a majority of health care consumers and a majority of the country, it only makes good sense.

As a former mayor of a city that has lost 1.5 percent of its entire population to AIDS, and as a U.S. Senator representing a State with 20 percent of the Nation's AIDS caseload, I know firsthand how devastating this epidemic has been for so many people.

Sadly, all of the terrible predictions have come true. Now, there are between 1 and 1½ million Americans who are infected with the HIV virus.

For too many, time has already run out, and the remedies in this bill are too late. Every 6 minutes, a person dies of AIDS, and every 12 minutes, another person is infected with AIDS. Already, too many precious lives have been lost, and I fear the worst is yet to come.

But by moving swiftly to send this important bill to the President, I believe we can put our Nation's AIDS response on track and hopefully with a new emphasis on research priorities, we will hear news of a cure in the not too distant future.

I am encouraged that President Clinton has already lifted the ban to prohibit funding for fetal tissue research. This bill takes the next step in authorizing NIH to perform this vital groundbreaking research. The inclusion of this provision offers great hope for the many people who suffer from debilitation diseases.

Shoring up our support for biomedical research, cancer, lung, heart, and blood diseases is so very critical to learning not only how to cure diseases, but how to prevent them from happening as well. In that vein, the inclusion of the children's vaccine initiative to develop effective and affordable vaccines may be one of the most immediate paybacks on the investment.

Though NIH funding has steadily increased during the last few years, the amounts have been nominal. This comprehensive reauthorization legislation is vital to the health of all Americans and is an important base for enhancing our international competitiveness through science and biomedical research. I am proud to support this bill, and I would like to thank my colleagues who have done so much work to bring it to fruition.

Mr. KENNEDY. Mr. President, we thank Senator FEINSTEIN for the excellent comment and support that she has given to this legislation and other pieces of legislation that are affecting families.

One of the other important measures that we have included in this legislation, after having identified the real needs, as Senator FEINSTEIN has done, is to also enhance the number of women who will be involved in the research agendas on women's health issues. We require that the NIH undertake a series of projects to help identify the problems of attracting women to, and retaining them in, leadership positions to help develop and plan biomedical careers for women in research.

A number of years ago, several of us tried to get the National Science Foundation to help in this area as well. If you look at the numbers of women, who are getting graduate degrees in biomedical research, we are down to only a handful. If we are really going to be responsive to this issue, we need to give greater focus and attention to the diseases and ensure that we are going to have women involved at various clinical trials. We need also to have individuals who are involved in the planning, programming, and development of various research proposals. That is enormously important.

Our committee has had a series of hearings on some of the very excellent research that is going on with women's health issues. I had the good opportunity to chair an enormously interesting hearing up at the Brighams Women's Hospital on June 29. I will just include in the RECORD for those who are interested in this issue, the particular witnesses we had and the subject matters which they covered. Virtually every one of those individuals are women researchers. They are the ones, in a number of instances, who have been working for 20 and 30 years. Much of the information we have been able to use in order to bring national attention to the disparity has been the result of a very, very small group of primarily women researchers. I think it is important to recognize that work.

Mr. President, we do not really need these kinds of examples, but one of the people who testified in our Massachusetts hearing was a woman named Sheryl Shapiro. It is a short statement. It will take just a few moments, but it is really an inspiring one and is really, I think, at the heart of what this whole research program is really about. This is the testimony.

My name is Sheryl Shapiro and I am a long-term survivor of breast cancer. My mother's older sister died of breast cancer in her early twenty's and my mother lived her entire adult life in fear that she would die of breast cancer as well. And so she did, at the age of 41. I was 13 years old when she died.

I found a lump in my breast, which turned out to be malignant when I was 30 years old. I was told it was caught early, which was a good sign. I had a modified radical mastectomy and there was no lymph node involvement; another good sign. Unfortunately, within the year, my breast cancer spread to my lungs and my progress went from very good to very poor. Three doctor's told me I had 1–2 years to live.

I have always been an optimist. It was hard to believe that all the dreams I had, of being a psychologist, of getting married and of being a mother; these dreams would not come true. I just could not believe this.

I was being treated at the Dana-Farber Cancer Institute in Boston and my Oncologist had an idea. He didn't know if I would be permitted to enter an experimental program, but he would do his best. I would be the eleventh patient to undergo high dose chemotherapy with an autologous bone marrow transplant. All the other patients had prior treatment, either radiation or chemotherapy that did not work. This experimental treatment was their last chance. I had no prior treatment, only my surgery. I was very healthy (except for the cancer, I know that sounds funny) both physically and psychologically. I was certain I could beat this cancer if given the opportunity. I was allowed to enter the program, understanding that it was experimental and that I might die as a result of the treatments.

I received several days of high dosage chemotherapy which destroyed my bone marrow. Having little or no immune system, I was in isolation. My own bone marrow was taken out prior to my chemotherapy (approximately one quart). One week later, on my 31st birthday, my bone marrow was returned and it took approximately 6 weeks for my blood count to reach normal levels and for me to be allowed out of isolation.

I received excellent care in the hospital. I was sick every day with sometimes dangerously high temperatures, but I survived. Within a week all evidence of my cancer was gone. It was a miracle. The doctors had never seen anything like it.

The ten people who went through this procedure before me all eventually died of their disease and others died after me. As far as I know, I am the longest living survivor of this treatment. I will be in remission 9 years.

During the past 9 years I have completed my doctorate in Psychology, married and adopted a baby. My life is good and meaningful. My diagnosis is breast cancer in long term remission. I am not told that I am cured. I am at high risk for getting breast cancer again. I would not be alive today had I not participated in a procedure that was highly experimental. I would like to be alive to watch our son grow up. I would like to grow old, someday, with my husband.

I would like to see a cure for breast cancer.

We need to provide the funding to the many brilliant researchers who are looking

for ways to prevent, treat and cure this disease.

I think all of us can find countless stories to that effect. That is really at the base of so much of the research that is being done by the NIH. I am always mindful when we get into the discussion of the Cancer Institute of our former colleague, Warren Magnuson who was chairman of the Senate Appropriations Committee on Health and really presided over perhaps the greatest expansion in health research. He was always talking about the greatest headline that the world would ever have and that would be: "Cancer Cured."

I think most people around the world, not just Americans, would certainly agree. We are not suggesting that this legislation in and of itself is going to do that, although we do believe that giving that kind of support for the Cancer Institute and the other institutes will certainly hasten the day, both in terms of cancer and these other areas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent hat the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, another important aspect of this legislation is the support of fetus tissue transplantation. The previous NIH bill was vetoed by President Bush because it lifted the ban on fetal tissue transplantation research. What we have attempted to accomplish by legislation, President Clinton has done by Executive order. NIH will now support and conduct fetal tissue transplantation research. This research may find a cure for Alzheimer's disease, Parkinson's disease, diabetes or spinal cord injuries. This legislation maintains all of the safeguards recommended by the Reagan Task Force and additional protections developed by members of the committee have been maintained in this bill.

I see our colleague from South Carolina is here, and I will pause at this time and resume discussing the safeguards after the Senator finishes his comments.

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

Mr. THURMOND. Mr. President, I wish to thank the able Senator for his courtesies.

I rise today in strong support of S. 1, the National Institutes of Health Revitalization Act of 1993. S. 1 reauthorizes various programs at the National Institutes of Health [NIH] through fiscal year 1996.

One important provision in this bill addresses fetal tissue research. For several years we have debated whether the Government should sponsor research involving the transplantation of human fetal tissue. A major concern surrounding this issue has been whether such research would encourage abortion. I do not believe this research will in any way encourage abortions.

This is not an abortion issue. It is a research issue. It is not about taking lives. It is about saving and improving lives.

I believe that the safeguards included in this bill will keep the decision to terminate a pregnancy independent from the retrieval and use of fetal tissue. These safeguards are:

First, the attending physician may ask the pregnant woman to donate the fetus only after the decision to abort has been made;

Second, payment or other forms of compensation may not be received for the fetal tissue; and

Third, the pregnant woman may not designate the recipient of the tissue.

Mr. President, another important issue addressed in this bill is AIDS research. Despite what some groups would have us believe, the Federal Government has allocated substantial resources to AIDS research and prevention. Last year the Federal Government spent approximately $2 billion on AIDS research and prevention, more than on any other disease, including cancer, heart disease, diabetes, or Alzheimer's. Unfortunately, there has not been a unified effort for coordinating AIDS research. S. 1 confronts this problem by creating an Office of AIDS Research [OAR].

The Director of OAR will be appointed by the Secretary of Health and Human Services. The Director will be responsible for the development and oversight of "the implementation of a comprehensive and long-range plan for the conduct and support of [AIDS] research." I believe the creation of the Office of AIDS Research will prove to be a significant step toward finding a cure for AIDS.

Mr. President, this bill will allow federally sponsored research that may save thousands of lives and improve the quality of life for many others with devastating diseases and disabilities. I urge my colleagues to support this legislation and allow this important research to go forward.

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, parliamentary inquiry. Are we on a particular amendment or just general debate?

The PRESIDING OFFICER. The committee substitute is pending.

Mr. DODD. Mr. President, I commend the chairman of the committee, Senator KENNEDY, along with, before he leaves the floor, Senator THURMOND, who has been extremely supportive of this legislation, Senator KASSEBAUM, and others, for bringing this bill to the floor.

I want to take this opportunity, Mr. President, to express my strong support for the National Institutes of Health Revitalization Act. I am pleased to be a cosponsor of the legislation.

This legislation will provide much needed support for the kind of research that has made the National Institutes of Health the leading biomedical research institution in this Nation and throughout the world.

This bill provides us with an opportunity to further enhance NIH's leadership role and to help ensure that this Nation's preeminence in biomedical research continues well into the future.

The last few years have brought exciting new advances in biomedical research. We are on the threshold of breakthroughs that would have seemed unimaginable just a few short years ago. In order to take advantage of these opportunities, however, we must make an investment, and that is what this legislation does. It is clear that resources devoted to biomedical research at NIH is truly money well spent. This research holds the possibility of preventing diseases and providing very promising treatments for many others. Funding for NIH has not been adequate, quite candidly, in recent years, but this legislation calls for substantial increases in funding in critical areas such as research on cancer and acquired immune deficiency syndrome or AIDS.

Let me stop here for a minute, Mr. President. One might ask, why are you talking about additional funding when you listened to the President of the United States last evening talk about contributions or sacrifices to try to reduce the deficit and in preparation of a State of the Union Message in a little more than 24 hours he will be talking about shared sacrifice and trying to cut back?

I do not think anyone disagrees with the thrust of that argument. There may be some debate here about specifically where cuts ought to occur, but clearly cuts have to happen. My hope is that we will be able to come together in this body, regardless of party, and join in the effort that will put us on a much sounder economic footing for the future.

But part of that sound economic footing will require selective investments in order to make this a stronger, a smarter, a healthier, a safer country. This particular bill calls for additional dollars to be spent in the area of disease prevention and disease treatment. It is costing this country staggering amounts of money every single day for what we have failed to deal with effectively. And so while the argument is certainly potent about reducing spending in a number of areas, I believe that in this area of health related expendi-

tures, particularly at NIH, there is broad bipartisan support for intelligent investment in these areas.

So I want to express that viewpoint in the larger context of deficit reduction, of budget cutting, of tax increases that will have to occur if we are going to place this country in a far better position economically in the future. But intelligent investments in the area of health-related costs fits into that mold and enjoys broad-based support.

Mr. President, I wish to express further my support for provisions specifically in this legislation regarding women's health. The performance of NIH has generally been exemplary in most areas.

It has, however, failed to address the health concerns of women. It has failed to adequately involve women in clinical research, and it has not sufficiently supported research on conditions that have particular significance for women.

An often-cited example of those shortcomings, I am confident it has been mentioned already here today, was a 1988 study of 22,000 physicians which found that aspirin helps prevent heart attacks in men. As a result of that study, doctors recommended that older men at high risk of heart disease take an aspirin every other day.

This study of 22,000 people, however, did not include one single woman. We therefore do not have any advice to offer women in this country who are at increased risk of heart disease. We cannot tell them whether taking aspirin every other day or every day or once a week will decrease the risk of heart attack.

Mr. President, that is inexcusable. We must correct this inequity. This legislation will require, when appropriate, the inclusion of women and minorities as subjects in clinical research conducted by the National Institutes of Health.

It will establish statutory authority for the Office of Research on Women's Health to ensure adequate support for research on women's health throughout NIH. With this legislation this body, the Senate, will send a clear signal that research on conditions such as osteoporosis, breast cancer, and ovarian cancer must be a priority for NIH.

In the last Congress, similar legislation was vetoed by the President because it would have lifted the ban on fetal tissue transplantation research. The legislation was a victim of anti-abortion politics in this country. Nothing in the earlier legislation would have encouraged abortion at all, nothing whatsoever in that bill. The legislation was not about abortion. The issue was whether fetal tissue, which would otherwise be destroyed, could be used in medical research.

President Clinton, recognizing that this lifesaving research has been put on hold for far too long, has already lifted the ban on fetal tissue transplantation research. The legislation before us continues to include guidelines for all fetal tissue research.

These guidelines will ensure the decision to terminate a pregnancy will be totally independent from the retrieval and use of fetal tissue. The legislation will require that consent about the donation of tissue be obtained only after the decision to terminate the pregnancy has been made. It will prohibit women from designating the recipient or from being informed about the identity of the recipient. It will prohibit alterations in the timing, method, or procedures used to terminate the pregnancy solely for the purposes of obtaining the tissue.

Mr. President, this legislation is critical, I think, to our Nation's fight against disease and disability. It is time that we move forward if we are to improve the health of our Nation. We must support biomedical research, research that holds out the promise of cure for millions who suffer from disease and disability in this country. This is a sound, intelligent investment in the long-term health of this Nation, and in the long-term financial and economic security of this country.

I strongly support the adoption of the bill.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, at some time in the history of this broad land, there may have been a Presidential speech with less substance than the one last night when President Clinton claimed time on all of the major networks, ostensibly to discuss his economic plan. But the Saints have been good to me; I have never heard a Presidential speech with less substance.

There now appears to be almost unanimous agreement that what it was last night was a political speech, and a highly partisan one—precisely what the Nation does not need at this time.

Sweeping aside the barrage of cliches and vague assertions, the President's TV remarks were a recipe for economic disaster. He even deigned to talk about patriotism, of all people, in terms of why Americans should support the plan that presumably he will discuss Wednesday night during his first State of the Union Address to Congress, which again will be televised live by all major networks.

That, of course, is customary.

Frankly, I expected better from the President. I certainly and fervently hoped that he would indeed step forward with proposals that were both courageous and imaginative, in which case I suspect that millions of Americans, certainly this American, would have stood up and cheered.

For just a few examples, he could have been honest with the American people and reminded them that under the U.S. Constitution, no President can spend 1 dime that has not first been authorized and appropriated by the Congress of the United States. Then he could have acknowledged that since his political party has dominated Congress for the better part of 60 years, it is intellectually dishonest for him or anybody else in politics to pretend otherwise. So if Mr. Clinton wants to play politics with the Federal debt, he had better bear in mind that that dead cat lies on his doorstep and the others in his political party.

Every day that the Senate is in session for business, I make a report on the size of the Federal debt at the close of business for the latest available day. This morning, I reported that as of the close of business on February 10, last Wednesday, the Federal debt stood at $4,172,769,647,100.97.

I also reported, as I do each day, that it cost the American taxpayers more than $286 billion during the past fiscal year just to pay the interest on the Federal debt already run up by Congress over and above what it took in.

If you want to average this out, it cost the taxpayers $5.5 billion every week, or $785 million every day, just to pay the interest on this massive debt.

So what did the President tell the American people last evening? In a carefully nonspecific declaration, he told the people that it would be the patriotic thing for them to do if they would just support his proposals for heavier tax burdens. He spoke grandly of the way he has already slashed Federal spending. He has done no such thing. He used charts in a pretense that they somehow documented the declarations he was making. But nobody could read the charts.

The American people have heard this song and dance over and over on a bipartisan basis for years. That is why the stock market dropped more than 82 points—almost 83 points—today, and apparently will close at that point. As a matter of fact, this figure was just handed to me, and the stock markets closed at 4 o'clock. So I presume 82.94 is the closing figure.

By the way, Mr. President, past tax increases heaped upon the backs of the American people have not led to deficit reduction one time, let alone to debt reduction. In fact, since World War II, for every dollar in new Federal revenue taken in by the Federal Government in taxes, Congress has spent $1.59.

What had I dared to hope that the President might mention in his speech last night? There were a lot of things.

He could have endorsed the line-item veto—but he was silent in seven languages on that, even though he discussed it in the campaign last year. But do you not know, the political figures in his own party got to him and said: "You hush on that; don't mention that anymore."

Or he could have endorsed a balanced budget amendment to the U.S. Constitution.

He even could have called on Congress to give immediate and serious consideration to a flat tax at a 10 percent rate, or whatever he felt inclined to specify in terms of rates. Adoption of the flat tax could be done simply, it would be easily administered, and it is estimated that such a tax reform would save the taxpayers as much as $600 billion.

But no, he did not want to talk about that. Such bold suggestions never occurred to the President; or if they did, he certainly did not mention any of them.

During the 1992 campaign, there were repeated pledges that there would be a tax cut for the middle class. There were emphatic promises, over and over again, to pay for spending programs by soaking the rich. It cannot be done. You could take all of the money earned by everybody who is rich, and it might operate the Government for 2 or 3 days.

Before increasing taxes on working Americans, the President should insist that Congress first cut Federal spending and cut Federal redtape, so that businesses can be more productive instead of spending their time on paperwork. The line-item veto and the balanced budget amendment would be a good starting point.

I wish the President had at least hinted that there must be a drastic reform in the tax system. Our present tax system is an outrage. It is complicated, and it is devastatingly expensive to comply with. The General Accounting Office has declared that even Internal Revenue Service auditors do not understand many of the tax provisions.

Mr. President, late last year, James Payne, director of Layton Research and Analysis, published a study that estimated the overall cost of the Federal tax system. He calculated the cost of compliance, the cost of labor devoted to paperwork, the cost of tax avoidance and the effect on production. He concluded that the present Federal tax system costs a total of $618 billion. Think of that. That is why earlier this year I offered a bill, S. 188, proposing a 10-percent flat tax to replace our present system which, by the way, includes a $10,000 exemption to provide relief for low-income wage earners.

In closing, Mr. President, I mention again that the stock market closed at 4 o'clock, and my information is that it is down 82.94 points.

Mr. President, I ask unanimous consent that an Associated Press story that moved on the wire be printed in the RECORD.

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

STOCKS TUMBLE

(By Stefan Fatsis)

NEW YORK.—The stock market tumbled this morning, largely over worries about the higher taxes forecast by President Clinton in his White House address Monday night.

A big reason for Wall Street's concern: a fear that higher taxes will stall an economic revival and will not be accompanied by equally drastic cuts in government spending.

Clinton also provoked the sell-off today in the stocks of pharmaceutical companies, which were leading the market lower. Last week, he attacked U.S. drug companies for "shocking" prices.

At 4 p.m. on Wall Street the widely watched Dow Jones average of 30 big-company stocks was down 82.94 points.

Economists generally believe that the economy cannot recover strongly if citizens and corporations must pay higher taxes. Also, Wall Street is skeptical of Clinton's ability to reduce the federal budget deficit.

"It's troubling because there's a long history of tax increases now, spending cuts someday," said Richard B. Hoey, chief economist at Dreyfus Corp.

The stock drop came against the backdrop of a four-month rally that propelled the Dow Jones average nearly 10 percent higher to a record 3,442.14 on Feb. 5. Some investors, therefore, believe the sell-off is not surprising.

The surging bond market, a critical influence on interest rates in the economy, wasn't shaken by Clinton's plans. Yields on most Treasury securities already around 10-year lows fell further today.

Clinton plans to announce specifics of his economic plans in an address to Congress on Wednesday.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY], is recognized.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, there were several major improvements in this legislation. I talked briefly about the importance of the women's health issue and gave some very significant illustrations about the disparity between women's and men's health on a variety of major health challenges. Disparity also exists within the women's population among different racial groups and ethnic backgrounds. These diseases ought to have the attention and focus of the National Institutes of Health, and as a result of this legislation, they will.

One of the other very important provisions that has been discussed by myself and Senator KASSEBAUM is the Fetal Tissue Transplantation Research Program. We have been asked by a number of our members about the various safeguards and provisions which have been included in the legislation. I will mention these briefly:

In 1987, the NIH Director, James Wyngaarden, asked the Assistant Secretary for Health, Robert Windom, for approval to perform research on patients of Parkinson's disease by using brain tissue from aborted fetuses. The proposed research had been approved by NIH's merit review system. In March 1988, Dr. Windom placed a moratorium on fetal tissue transplantation research and directed the NIH to convene an outside advisory committee to study the ethical, legal, and scientific issues associated with the research on human fetal tissue transplantation. The committee included theologians, physicians, scientists and lawyers, many of whom were opposed to abortion, including the chairman, Arlin Adams.

After meeting from September to December, 1988, the panel concluded, by a vote of 18 to 3, that the use of human fetal tissue for transplantation research is acceptable public policy. The advisory committee reported to the Director of the NIH, who recommended lifting the ban through the Secretary of the Department of Health and Human Services.

First, in responding to questions posed by the Department of Health and Human Services, the NIH panel determined, that because abortion is legal and transplantation research is intended to achieve significant medical goals, the use of tissue from an induced abortion is acceptable public policy.

Second, there is no evidence that the use of fetal tissue for research has affected decisions regarding abortion, and that safeguards can be applied to minimize any possible encouragement for abortion.

Third, the process for obtaining informed consent from a pregnant woman for donation of fetal tissue for research does not constitute an inducement to abortion.

In November 1989, Secretary Sullivan proposed to continue the moratorium indefinitely on the grounds that fetal tissue transplantation research would increase the incidence of abortion across the country.

The provisions that we have included as safeguards to address that particular issue are as follows:

First, certification of consent by the attending physician that the decision for abortion was made prior to requesting or obtaining consent for the donation of tissue.

Second, a provision to assure informed consent of the donor and recipient, certification by the attending physician, and an audit by the director of NIH, in compliance with State and local law, that the donor has given in writing informed consent, that the donor is willing to donate fetal tissue for research; the donation made without designating a recipient, nor is the identity of the recipient to be known.

Full disclosure is to be made of any medical risk and interest in the research.

Therefore, the individual has to make a full disclosure as to whether

they have any personal interest in the use of such material. The physical has to have a full disclosure, so we know there would not be an effort to have doctors using this process, gain financially.

The attending physician or researcher will not alter the timing, method, or procedure for determining the pregnancy solely for the purposes of fetal tissue research.

So there is additional protection again in terms of the individual. Then informed consent, in writing, of researcher and recipient: Researcher must provide signed statement he or she is aware that tissue to be utilized is human fetal tissue, obtained subsequent to a spontaneous or induced abortion, and tissue donated for research purpose.

The Secretary of HHS, through the Director of NIH, shall require audit of each grantee applying for or receiving grant involving fetal tissue transplantation research to assure compliance with the provisions.

So the only way the process can move forward is if the NIH is given full information and disclosure about the circumstances surrounding this procedure and that such research must be conducted only in accordance with the applicable State law.

The measure makes it a criminal offense for a person to solicit or receive donation of human fetal tissue for transplantation if: First, donation is made pursuant to promise to transplant tissue into specified recipient or relative of donor; or Second, such person has paid any part of costs of the abortion.

Then we have the GAO conduct a study of the adequacy of the safeguards.

So we have as clearly as we can outlined what is permitted and what is prohibited.

We have indicated the requirements to monitor the system by the NIH. We have also required the General Accounting Office to do an evaluation of each of these procedures and to report back to the Congress on the effectiveness of our safeguards. These recommendations basically incorporate what the Reagan-appointed, NIH task force recommended in reviewing this whole process and procedure. We have strengthened the safeguards by adding criminal penalties for violations. The safeguards are tough, strict and will be effective in preventing any potential abuses in this area of research. This provision has strong bipartisan support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I notice Senator FEINGOLD is here on the floor and planning to give his first speech on the Senate floor in support of this legislation.

We want to take particular note that Senator FEINGOLD chaired the Wisconsin Senate aging committee for 10 years and has been a long-time supporter of biomedical research activities and especially in issues affecting older Americans and he was also a leader in the Wisconsin Senate relating to women's reproductive issues.

So we are enormously appreciative of his attention to this legislation given his long record and experience on the subject matters of this issue. I know he will have something worthy to say and I commend our colleagues to give him full attention.

The PRESIDING OFFICER. The Chair is honored to recognize the distinguished Senator from Wisconsin [Mr. FEINGOLD].

Mr. FEINGOLD. Mr. President, I thank the Chair and I thank the Senator from Massachusetts for his kind remarks about this first address of mine.

I would like to begin, Mr. President, by saying that I am very pleased that one of the first bills I will have the opportunity to cast a vote on in the U.S. Senate is S. 1, the National Institutes of Health Revitalization Act of 1993. Improving health care for Americans was a major focus of my campaign for the Senate. It is, therefore, particularly gratifying to see early action by the Congress on major legislation dealing with health care.

Mr. President, the Congress and the new administration have begun the important task of developing comprehensive health care reforms aimed at ensuring that every American has access to health care services while controlling sky rocketing health care costs.

We must, at the same time, remember the role that biomedical research can play in developing effective treatments and preventing the need for more costly remedial services. Investing in biomedical research conducted through the National Institutes of Health is one of the most important steps the Federal Government can take to promote the health of our Nation. For more than 100 years, the National Institutes of Health have supported scientific research on the causes and treatments of diseases. The dramatic breakthroughs of the past few decades in a host of areas from cancer to diabetes to heart disease are directly attributable to scientific advancements pioneered by NIH research.

Mr. President, there are several aspects of this legislation to reauthorize the National Institutes of Health that I strongly support.

RESEARCH ON DISEASES AFFECTING OLDER AMERICANS

First, Mr. President, as a long-time advocate for meaningful health services for the elderly in my State, I am particularly interested in the provisions of S. 1 which promote research into diseases which afflict millions of older Americans. S. 1 provides, for the first time, specific authorization levels for research conducted by the National Institute on Aging. It also contains provisions reauthorizing the Alzheimer's Disease Registry, which is aimed at enhancing our knowledge of this debilitating disease. As a member of the Wisconsin State Senate, I authored legislation to provide comprehensive services to Alzheimer's victims and their care givers. Alzheimer's is a chronic and degenerative disease that can disrupt the lives of its victims and their families for decades. Much, however, remains unknown about its cause or effective treatments. Greater research is clearly needed. This bill will help stimulate this research.

In particular, Mr. President, the provisions of the bill lifting the ban on fetal tissue transplantation research, along with the Executive order issued by President Clinton on January 22, will also result in an expansion of research into promising new areas not only for Alzheimer's victims, but also for those suffering from Parkinson's disease, Huntington's disease, diabetes, leukemia, epilepsy, and many other devastating chronic disorders. There is substantial evidence that this research will offer a new hope of prolonged life, greater quality of life, and perhaps one day even a cure for many of these diseases—at a tremendous economic and social cost-saving to the country.

I applaud both President Clinton and the authors of S. 1 for lifting the arbitrary ban on this promising research, while also establishing rigorous safeguards to ensure that the research is carried out in an ethical manner.

Mr. President, S. 1 also directs the National Institute on Aging to carry out a program of research into aging problems that particularly affect elderly women. As I will discuss in a moment, research into women's health issues has been neglected for far too long. The bill requires more attention to this area of research, focusing on such problems as osteoporosis—a degenerative and disabling disease which results in weak, brittle bones and increases the likelihood of bone fractures in many older women, leading in turn to loss of mobility or even eventual institutionalization. Finding safe and effective treatments for osteoporosis could help reduce the number of elderly women who become unable to function independently and who are then forced to rely on more expensive, long-term care services.

NEW FOCUS ON HEALTH NEEDS OF WOMEN

Mr. President, the second part of the NIH reauthorization bill for which I

want to express my strong support deals with providing greater emphasis on women's health problems in general. For many years, women's health issues have been neglected. The bill creates an Office for Research on Women's Health to help correct these inequities. It requires new resources to be devoted to women-specific diseases including breast, ovarian, and other cancers of the reproductive system as well as contraceptive and infertility research.

Additionally, NIH will be required to include women and minorities as subjects of clinical research it conducts or supports. The exclusion of women from many major clinical research activities funded by NIH has been a serious problem. For example, heart disease is the No. 1 fatal disease affecting women. Yet women have not been included in any of the major studies on the cause and prevention of heart disease. The bill not only requires women and minorities to be included in clinical studies, but also mandates that studies be designed in a manner that will allow for analysis of the differences that may exist between genders or minority groups regarding research variables. These changes should bring about a long overdue increased effort to address the health needs of women and help ensure equal access to the benefits of biomedical research.

CONCLUSION

Mr. President, NIH does important research on an array of diseases and disorders that I have not mentioned, but underlying all this research is one basic tenet. Biomedical research into factors affecting the onset of disease, and research into the most effective, least debilitating treatments will in the long term begin to pay for itself in prevention, effective treatment, and improved quality of life. Given the health care crisis we face in this country, it is critical that we devote adequate resources to biomedical research as well as reform of the health care delivery system. NIH reauthorization is an important investment in the health of our Nation. I am happy to join in supporting the National Institutes of Health Revitalization Act of 1993.

Thank you, Mr. President.

Mr. SMITH. Mr. President, I oppose S. 1, the NIH reauthorization bill.

Last year, the majority leader, Senator MITCHELL, indicated that this bill would be the first bill to be introduced and one of the first items to be considered by the Senate during the 103d Congress. At the time, I felt this commitment was a little foolish. If President Bush had won reelection, the bill would have been vetoed again, and the veto would have been sustained, given the increase in Republican ranks in the House. On the other hand, if Governor Clinton was elected President—as he was—the fetal tissue ban would be rescinded by Presidential directive and the issue would be somewhat moot.

I do want to compliment the majority leader in this regard, though. Unlike the President, he does carry through with his promises, whether wise or not.

I also want to compliment the Committee on Labor and Human Resources for—wisely, in my opinion—avoiding a potentially bloody battle which could have occurred had it attempted to codify President Clinton's actions in lifting of the fetal tissue ban. While the bill does not reinstate President Bush's ban on the use of fetal tissue from aborted babies, as I would have preferred, neither does it explicitly codify the Clinton policy. Therefore, it does not prohibit some future pro-life administration for reimplementing the fetal tissue ban. And it does contain some anemic statutory restrictions on fetal tissue research during the Clinton administration. While I believe that President Clinton's unfortunate rescission of the moratorium on fetal tissue research using tissue from induced abortions is regrettable, it is obvious that it will not be legislatively overturned under current circumstances. Therefore, with respect to the fetal tissue issue, I have reached the conclusion that, given that we have elected a President who favors harvesting tissue from aborted babies, this language is probably the best we can do. For that reason, I do not intend to engage in extended debate, as I did last year, because, frankly, extended debate would be fruitless.

I still come down in opposition to the bill, because it is over budget and shortchanges my State of New Hampshire. In a year in which the national debt is rapidly climbing toward four and a half trillion dollars, this bill would increase NIH outlays to $5.88 billion in 1995 and $6.4 billion in 1996—nearly a half billion increase in 1 year. Surely, this is not the form of sacrifice and austerity it is going to take to cure our deficit problem. In fact, it is just more of the same business as usual.

I yield the floor.

If no one else desires to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeding to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I rise with a great deal of enthusiasm and pride to support the legislation pending before the Senate, the reauthorization of the National Institutes of Health.

Mr. President, this Senator has the privilege of representing the National Institutes of Health. That flagship agency, designed to do the basic biomedical life science research for the United States of America, is located in my own State of Maryland. Out there we have 13,000 people working to find a cure for cancer, working to find a cure for AIDS, working to find a cure for Alzheimer's. They are out there working, and we need to be able to work for them to give them a modern framework for the National Institutes of Health.

A year ago, I had a townhall meeting with the people who work at the National Institutes of Health to listen to their very good ideas on what we should do to prepare the National Institutes of Health for the 21st century. NIH is one of the crown jewels in our Government. It is one of our flagship institutions. I want to make sure the capacity of this institution is not only maintained, but made stronger.

That is why I am proud that parts of this legislation are those elements that I introduced that hopefully will strengthen, first of all, the actual personnel and other activities that will enable those Nobel Prize-winning researchers to move ahead.

My components in this bill will address many of the issues I heard about from the people at NIH themselves, those kinds of things we can do to recruit and retain personnel from pathologists to firefighters. Yes, NIH must have its own firefighting unit because it runs a hospital and it has very specialized research.

What we also do in this legislation is streamline procedures to assure that a dollar's worth of taxes means a pound of cure.

I want to also thank my fellow Senators for working on something that has been very special to me, and that is on the women's health agenda, the women's health agenda that was brought to the attention of the U.S. Senate and to the House of Representatives in 1990. The Congresswomen and I had asked for a GAO report asking whether or not women were included in the protocols of research at NIH, and also what was the status of research being done on those diseases that affect women only, like cervical cancer.

We found that women were systematically being excluded from that research. We found women were not included in many of the research studies, that the large study that said, Take an aspirin a day to keep a heart attack away, only included men.

This legislation that we are passing today will make sure that never ever happens again. We establish and make permanent the Office of Women's Health at NIH to make sure that women are included in the protocols for those diseases that affect solely women, primarily women, and to also make sure that there is research on women's natural processes—pregnancy, other matters related to fertility, menopause, even aging itself.

We have also matched our finding with our good intentions. We have in-

cluded an increase in breast cancer research money and, also, in other kinds of diseases affecting women.

In the area of breast cancer, one out of nine women get breast cancer. One out of twenty got it in 1960. We need to find a cure to preserve those families.

We are also going to make sure there is research money for gynecological cancers, a data bank on women's health research, as I said, a study on osteoporosis, and a study on the aging process itself. Women are half the population. We deserve to be included at that level in the research agenda of the 21st century.

We happen to believe that including women is good research and good science. This National Institutes of Health reauthorization legislation will create the framework not only for women but for American families to know that their tax dollars are being spent on biomedical research on those things that most drastically affect the American family: Diseases that steal a wife, steal a mother, steal a father, or steal a granny with Alzheimer's.

I thank the chairman and ranking minority member for working with me on these issues, and I look forward to the swift passage of this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

Mr. HATFIELD. Madam President, today the Senate is considering legislation reauthorizing and improving programs for the National Institutes of Health. I am pleased to add my voice in support of this important legislation which is worthy of endorsement of the entire Senate.

Senate bill 1, however, gives the NIH direction only on what it can do to conduct health research. I would like to take a few minutes to talk about what we, the Congress, should be doing for NIH, not only to improve the health and quality of life of Americans, but to ensure that the United States continues to be the biomedical superpower it has been throughout this century, as well as into the next century.

Enactment of S. 1 is not sufficient. We must, as the saying goes, put our money where our mouth is. I fear that competing funding priorities are lessening our resolve to repair the fault lines in the pillars which support our Nation's medical establishment.

While funding for the NIH has risen since 1983 from $4 to $10.4 billion in 1993, our commitment to medical research has not been at the level it should be given its relative importance in our health care system. Of our total health care budget—more than $800 billion—funding for medical research represents a tiny, almost insignificant percentage. When one looks at the benefits of medical research in improving our quality of life in a cost-effective manner, one cannot argue against its value.

Madam President, these are but the dollar figures, these are but the economics. I am not talking about the pain, the suffering, and the people from the standpoint of their being denied preventive action and medical care that has yet to be discovered.

Federal investment in the private sector, creating jobs, and economic opportunities are all a part of the administration's prescription for curing the economic ills or the country. We have heard a considerable amount about the need to invest in various technologies through research to speed economic development and maintain America's competitive edge in the world. But we have heard very little about the major potential for investments in health research as part of that same prescription.

For years, basic and clinical researchers and their patients have been the primary constituencies arguing for increased appropriations for the National Institutes of Health. Today, in addition, the business community is coming forward to applaud the potential of the biomedical sciences as a strategy for creating more jobs, strengthening our economy, and enhancing our Nation's ability to compete in foreign markets.

The investment we make in research is both beneficial and efficient. In 1990, Fortune magazine and the Washington-based Council for Excellence in Government ranked the National Institutes of Health in the top 3 of 90 Federal departments, agencies, and offices surveyed in terms of return on the tax dollar. For every $1 invested in medical research, $13 are realized in return for the American economy.

Since polio was eradicated in the 1950's, Americans have understood the most important benefits of biomedical research: It protects us from disease and disability and it allows us to live longer. But that is only the first and most obvious benefit.

Biomedical research and development is also the foundation for one of the Nation's largest and most important growth industries. Our lead in this arena, however, is not without challenge as other nations double and triple their research investments while we have let our research budgets flatten out.

Research should also be the logical, but often forgotten, partner in any plan that is mentioned to reform the Nation's lumbering health care system. Conducting research to improve health and cut health care costs is a surefire way to find the dollars to provide the coverage Americans want and expect.

In 1990, at the request of the Congress, the NIH identified examples of NIH-supported research leading to health care advances that had actually resulted in dollar savings in terms of lower medical costs and recaptured wage earning potential from reduced illness or disability.

For example: $679,000 was invested by the NIH in research for lower cost treatment for kidney stones; the return is $300 million minimum in annual savings. Investing in alternatives to heart bypass surgery: $27 million was spent on research; the return is $258 million in annual savings. For Hepatitis B vaccine: $23.5 million for targeted research; the return is $47.3 million minimum in annual savings. For HIV detection in the blood supply: $6.7 million invested in research; the return is $47 million minimum annual savings.

In his 1982 State of the Union Address, President Reagan called for a national defense buildup. Thereafter, military spending increased by $120 billion during the Reagan years, and still today, in 18 months the military spends on research and development what the NIH has spent since the turn of the century. In the past decade, U.S. military spending has more than doubled, from less than $130 billion in fiscal year 1979 to $300 billion in fiscal year 1989.

Today, we need to embark on a disease defense buildup like that undertaken in the 1980's to respond to the perceived threat of the Soviet's. Repair of the faults threatening the integrity of our biomedical enterprise will require nothing less than a mobilization of resources and resolve. It will require a reordering of our Nation's budget priorities from programs which destroy life to those which preserve and enhance life.

The debate over our national health care system and national health care reform will be long and difficult in the months ahead. But in the course of that debate, I urge my colleagues to make certain that the National Institutes of Health and the promise of biomedical research remain a key feature. With medical research as one of the pistons powering the engine driving change, we can cut health care costs, expand technology, speed and improve health care for all Americans.

Madam President, I would also like to take a moment to discuss another issue of importance which we are considering today—fetal tissue transplantation research. Deciding whether or not to lift the ban on federally funded fetal tissue research prevented us from passing the NIH reauthorization and its many important programs last year. This occurred despite the fact that an overwhelming number of Senators, including myself, supported lifting the ban.

Many were surprised by my support for this important research. Most expected that as a pro-life Senator I would be compelled to treat fetal tissue research as an abortion issue, and thus, oppose it. Well, I do view this as a pro-life issue but not as an abortion issue. I strongly believe that we must look beyond abortion to the research benefits fetal tissue holds, remembering to consider the sanctity of all life.

That does not mean we must ignore the abortion implications raised. Obviously, without abortion this research would not exist. But, as I have said on a number of other occasions, I believe the legislation included in the NIH reauthorization contains sufficient and strong safeguards to overcome the concerns that this research promotes and encourages abortion.

In fact, under the wording of that fetal tissue amendment, it would have diminished the possibility of relating abortion to the donor-donee because we separated the donee from the donor in those circumstances and required all of that to be maintained in secrecy.

Several months ago, I joined with 16 of my colleagues in writing to then President-elect Clinton concerning the importance of fetal tissue research.

Madam President, I ask unanimous consent that this letter appear in the RECORD at the conclusion of my remarks as the response of the President.

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

(See exhibit No. 1.)

Mr. HATFIELD. Madam President, I applaud President Clinton for signing an Executive order overturning the ban on fetal tissue research, and I look forward to the medical breakthroughs that may come as a result of this research. I am pleased that our action today will ensure that the appropriate safeguards are in place. I know millions of Americans who suffering from debilitating diseases, such as Alzheimer's, Parkinson's, and diabetes, were also pleased by this action.

Also included in this legislation is language to authorize five contraceptive and infertility research centers. For a number of years now, we have appropriated money to begin research efforts in this area. However, by authorizing these centers we will be able to increase our appropriations and commitment to contraceptive and infertility research.

Under the provisions of this bill, we will authorize three contraceptive research centers and two infertility research centers. As an original cosponsor of the legislation to authorize these centers, I am pleased to see them included in the National Institutes of Health reauthorization legislation. If we are to reduce the number of unwanted pregnancies and abortions, we must concentrate our efforts on prevention. This legislation is a step in the right direction.

Madam President, again I want to focus on this question of abortion. I think so oftentimes the proponents and the opponents of the issue fail to listen to one another and realize there may be much ground upon which we can agree to achieve both of our objectives—far fewer abortions from my personal persuasion and at the same time to prevent abortions and to give alternatives to those who are on the other side of the issue. There is only one pharmaceutical house, according to my last review, in this country today that is researching in the field of contraception because of the liability factors. And they have abandoned this. We know the current contraception is not sufficiently strong or dependable, and that that results often in unnecessary abortions.

So here again, I think, people on the other side of the abortion issue ought to be able to join hands to see the benefit of prevention, never letting the issue rise, making abortion a moot issue if we had sufficient education, sufficient and accessible and dependable birth control contraception. I think it behooves us all to join hands where we can on this very hot and certainly an issue that creates a lot of difficulties for people on both sides; that is, prevention.

So, Madam President, again I want to emphasize my support for this reauthorization bill for the reasons that I have so stated.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 17, 1992.

Hon. BILL CLINTON,
Presidential Transition Office, 1120 Vermont Avenue NW., Washington, DC.

DEAR PRESIDENT-ELECT CLINTON: There are many important issues you will face in the opening days of your presidency. Among the most important are health care issues.

As you know, during the 102nd Congress we were unable to pass legislation to reauthorize the National Institutes of Health and the medical research programs it promotes. Included in this legislation was a provision to overturn the ban of federally funded fetal tissue transplantation research. We are writing to you today to reiterate our strong support for lifting the ban and implementing the important safeguards included in the Senate-passed legislation.

The Senate voted overwhelmingly on several occasions to allow this critical research to go forward. In addition, a majority of Americans support fetal tissue research. Most supporters did not reach this conclusion lightly; ethical and medical concerns were carefully weighed.

One must only look at the benefits fetal tissue transplantation research can bring to our ability to develop lifesaving therapies for diseases such as diabetes, Alzheimer's disease, Parkinson's disease, and other genetic and neurological disorders to realize the value of this research. In light of recent studies indicating the possibilities of fetal tissue transplantations in treating patients with Parkinson's disease, it has become more urgent for the federal government to be involved in supporting these efforts.

We appreciate your support for federally funded fetal tissue transplantation research during the campaign and urge you to act quickly to overturn the ban upon assuming office.

Sincerely,

Bob Dole, Mark O. Hatfield, Brock Adams, Alan K. Simpson, Paul Simon, Malcolm Wallop, Howard M. Metzenbaum, Paul D. Wellstone, Jim Jeffords, Strom Thurmond, Edward M. Kennedy, John Chafee, Tim Wirth, Jake Garn, John Warner, Bob Packwood, Hank Brown.

Mr. HATFIELD. Madam President, I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Madam President, thank you.

Madam President, I will be very brief in my remarks. I was chairing earlier today, and a number of Senators, women and men, both made some eloquent statements. I do not think I can add much to what they had to say.

I would like to thank Senator KENNEDY and Senator KASSEBAUM for their leadership on this NIH reauthorization bill.

I want to say to the Chair that I also appreciate the work that she has done. It is so gratifying to me as a U.S. Senator from Minnesota to now see in our country a focus on the concerns and circumstances of women's lives, including health care.

It is coming—here in the country, and now finally here to the U.S. Senate. It is also gratifying to see now a real focus on AIDS research, and I also am impressed with many other features of this legislation, as well.

But, Madam President, the reason I speak on the floor right now is more as a political scientist than as a U.S. Senator. For those that might be watching us deliberate, I just want to point out that it means a great deal to me that, No. 1, President Clinton was willing to, in fact, end the ban on funding for fetal tissue transplant research, and in this authorization bill we go forward with that research. I say that as the son of two parents who had Parkinson's disease. Neither one of them are alive any longer, Madam President, but so many other people who suffer from Parkinson's disease or Alzheimer's or diabetes look to this research with a great deal of hope.

What I want to point out is that while I have heard many Senators thank Senator KENNEDY and others for their role and leadership, one thing that we ought not to lose sight of is the way in which citizens, if you will, regular people, play an important role in finally getting this legislation passed,

because I think that is what is going to happen.

I would like to, through these words, honor the work of Joan Samuelson and Ann Udall, Mo Udall's daughter. I want to point out that, throughout this whole struggle, even when the situation looked so bleak and it looked like, because of the President's veto, we would not be able to go on with this research which is so important; they persevered. They never gave up. They came here all the time, and they went by and talked to Senator after Senator, and they were, in the best sense, "citizen lobbyists."

I think that when we finally pass this legislation—and we will—the names Joan Samuelson and Ann Udall ought to be added as two women who made an enormous difference. I think they are inspiring for other people as well, and I think people who are watching us deliberate and who have followed this bill should understand that it is not true that you cannot make a difference. Do not ever fall into the trap of not attempting to make that difference, because if you do, what could be accomplished never happens.

I really think that the way this institution works best is when we have people like Joan Samuelson and Ann Udall and others, who were working, who were contacting us, and who were making it crystal clear that we have to do well for people. They are not connected to lots of money, and they are not connected to huge organizations. But I really believe when individual people, men and women, decide that their cause is just, and they are willing to work hard for what they believe in, it can make a huge difference. I believe these two women are going to be very, very proud when we pass this legislation. As a U.S. Senator from Minnesota, I want to highlight their work.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SIMPSON. Madam President, I want to support the legislation before us today. This year's bill is a much-improved version of last year's NIH conference agreement that passed the Senate on June 4 and was then vetoed by President Bush.

This measure lifts the administration's ban on fetal tissue research and permits the National Institutes of Health to fund such research involving human fetal tissue. This provision would expand the scope of research that offers very real hope to sufferers of Parkinson's disease, childhood diabetes, and devastating genetic disorders.

My own father, who served in the U.S. Senate, is a victim of Parkinson's disease. He is in his 95th year, and certainly this disease is the most stunning type of devastating disease that I have personally witnessed in my time. So I am a strong supporter of this.

I have been a strong supporter of much of President Bush's legislative agenda over the past 4 years, but on that issue, I respectfully disagreed with him, as did many people across the country and in my State. This issue has been entangled in the abortion debate for far too long, and I am pleased to see the ban on fetal tissue research finally lifted. It is time to move beyond the rhetoric of this issue and focus on the real issues: that this legislation will indeed save lives and holds great promise for future discoveries in this medical research area.

Of course, there are a number of ethical safeguards here to ensure that the abortion issue does not further intrude in this debate and legislation. These safeguards include the certification that consent for the abortion was obtained separately and prior to obtaining consent for the tissue, although that certainly was never a great part of my reservation previously.

So this is going to be an excellent thing. It holds tremendous promise for so many American families who are suffering from disabilities and diseases for which there are no known cures or effective therapies. I am heartened that with the passage of S. 1, this promising avenue for treatment of many of these diseases and disabilities will no longer be suppressed. I think that is very important.

In 1990, Senators PAT MOYNIHAN, Congressman BARNEY FRANK, and I, and Senator KENNEDY, and many others, undertook to rewrite the statute on immigration exclusions in order to eliminate anachronistic provisions and to update the antiquated language of the law. One of the exclusions is health related.

For generations now, our U.S. immigration laws have excluded from admission to the United States all persons who have contagious diseases that constitute a threat to the public health and welfare.

The health-related exclusion is reasonable and necessary. Tuberculosis is once again reaching a serious level in our country, and many of our immigrants come from countries where tuberculosis is prevalent. Just last Saturday, the Washington Post reported that HIV infection rates are as high as 20 percent in some of the countries from which we receive large numbers of immigrants.

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

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

[From the Washington Post, Feb. 13, 1993]

GENERATIONS WILL SUFFER AIDS, SCIENTIST ASSERTS

DISEASE PROJECTED TO AFFECT 1 BILLION BY 2025

(By Christopher B. Daly)

BOSTON, February 12.—Basic science has yielded dozens of promising ideas for treating AIDS, but by the time most such treatments are ready, the disease may have infected as many as 1 billion people worldwide, a prominent researcher said today.

Speaking to the annual meeting of the American Association for the Advancement of Science here, William Haseltine of the Dana-Farber Cancer Institute in Boston said that after a decade of deep involvement in the search for a cure, he is convinced that HIV, the virus that causes AIDS, is so prevalent and so resilient that "it will be a serious problem for the indefinite future," at least for several generations.

He warned against a plan, now under consideration on Capitol Hill, to appoint a national "AIDS czar" or to create the HIV equivalent of the Manhattan Project that developed the first atomic bomb during World War II. Too many basic questions are unknown for an overall commander to begin assigning tasks, Haseltine said.

He also cautioned against complacency. "Most of us are lulled by medicine. We think everything is possible. Yet we know most things in medicine are far from possible," Haseltine said. "We're in this for all of our lifetimes and all of our children's lifetimes."

Individuals, he said, should not expect science or government to make them safe. They must protect their own health. As one means of doing so, Haseltine advocated widespread use of simple tests using saliva or a small amount of blood. "These tests have been developed and tested, but they are not available," Haseltine said. He said five corporations have devised such tests but are reluctant to market them because of "the general issue of diagnostics for infectious disease."

Most doctors, he said, believe that testing raises questions of counseling and confidentiality that make self-testing a potentially dangerous practice. But Haseltine urged prompt release of home tests.

The need is urgent, he said, because even among a group that has had considerable success at cutting infection rates—gay men in the United States—the disease is spreading more rapidly after several years of decline. "This year has been a disaster for AIDS transmission in the homosexual community," he said.

Thomas McNaught, spokesman for the AIDS Action Committee in Boston, said Haseltine was "speculating" and said he knew of no scientific study showing an increase in infection rates among gay men.

"Our data would suggest otherwise," McNaught said. "But we are concerned that our education efforts have been insufficient and are not reaching the younger generation, both gay and straight."

On a global scale, Haseltine said, HIV is spreading rapidly in the Third World and has reached more than 20 percent of the general adult population in many areas, including Central Africa, India, Thailand, Indonesia and parts of South America. At that rate, and assuming no vaccine is forthcoming, by the year 2025 there could be 1 billion cases worldwide, Haseltine said.

Earlier at the AAAS meeting, John L. Sullivan of the University of Massachusetts Medical Center in Worcester outlined clini-

cal trials aimed at cutting the spread of AIDS from infected mothers to newborns.

In three trials, experimental vaccines will be given to pregnant infected women, infected children and at-risk newborns. Another will involve trying to induce "passive immunity" in mothers and infants.

Mr. SIMPSON. I sought the assistance of the Public Health Service in drafting suitable language to define the health-related exclusions. PHS proposed, and we then inserted, the term "communicable disease of public health significance" to properly describe the illnesses which would prevent an alien from entering the United States.

That language was then enacted into law in the Immigration Act of 1990. The Secretary of Health and Human Services was to write the rules to implement the health-related grounds of exclusion.

At the time of passage of the bill, Congress made it quite clear that we intended to exclude aliens with diseases which would pose a public health risk. Please recall that HIV infection had been on the list of excludable diseases under the old definition, dangerous contagious diseases, and it remained on the list after the language change in the 1990 act.

In addition to the health exclusions, our immigration laws provide that any alien who is likely at any time to become a public charge—require welfare or public assistance—is also excludable.

The recent proposal to remove HIV infection from the list of excludable diseases raises two sincere questions: First, is HIV infection a communicable disease of public health significance? and second, is a person who will develop AIDS likely to become a public charge?

Without any doubt, AIDS is a deadly serious plague that threatens the public health here in America, as elsewhere in the world. Two years ago, the Centers for Disease Control announced, "the epidemic is here * * * and there is no letup in sight." Since that time the proportions of the epidemic have grown alarmingly.

Nearly 175,000 Americans have now tragically died of AIDS, and it is estimated that 1 to 1½ million more Americans have become infected with the virus.

We now know that the infection is not confined to intravenous drug users and homosexuals, but that it is also being spread through heterosexual sexual activity.

AIDS activists continually remind us of the deadly toll and the costly threat AIDS poses to our Nation, and at their urging Federal outlays for AIDS research are now among the highest provided for any medical cause. Can it rationally be said that HIV infection is not a disease of public health significance? I think not.

AIDS is an all-consuming illness that can result in medical costs of $100,000 or more for each patient, according to some recent estimates. It seems likely that many alien HIV-infected persons may well indeed become public charges after their admission to the United States.

It is for this reason that the American Medical Association has opposed the admission of such persons into the United States as permanent immigrants.

Let us ask honest and sensible questions: Does the admission of immigrants with HIV infection create a public health risk to the people of the United States; are such immigrants likely to become a public charge after entering our country?

Until these two issues are resolved, I would certainly counsel against the striking of HIV infection from the list of communicable diseases being of public health significance.

Congress should hold extensive hearings to properly and thoughtfully address these questions before any of the regulations are changed in any manner. There is much work and education of the public yet to be done here, and you can believe it.

We need to do that before we get caught in another one of those exercises which we do here, and do so well, where with a deft blend of emotion, fear, guilt, or racism, we do something. And that something is not always the most appropriate thing.

So I think it is a very important issue, and I speak principally in the area of public health and safety and the issue of cost.

Let me share with you an interesting statistic from the article: It is said that on a global scale, HIV is spreading rapidly in the third world, and has reached more than 20 percent of the general adult population in many areas. And then it names various countries. This is from the Washington Post, Saturday, February 13. One of those countries—and I shall not name the one—we have already admitted from that country, in 1991 as immigrants, 45,000 people from that country. And if this figure is correct, then 20 percent of that 45,000 people who have been admitted are potential HIV. And if you can imagine the cost just on that one country's ethnic population, that is a stunning figure. And 20 percent of 45,000 with that exposure to HIV is going to be to this country a tremendous cost and a tremendous social burden because the people would wonder why we bring people here or allow them to come when they have the disease.

I think we should stick with the waiver. I think we should be generous with the waiver. We should give the waiver for family reunification; we should give the waiver for conferences. But we should give the waiver. But to just simply say there is a disease we were thinking of when we revised the law in 1990 I think bears full attention.

TRIBUTE TO BILL FARMER

Mr. SIMPSON. Madam President, when we all returned to Washington last month, to our activities in the 103d Congress, I had this feeling that something was missing. Then, in a recent copy of the CONGRESSIONAL RECORD, I noted statements of the majority leader and the Republican leader regarding the retirement of Bill Farmer. That is when it dawned on me that a much beloved member of the Senate family was no longer sitting at his familiar post on the rostrum. And that is when I also realized that the distinctive voice and that ever-present warm smile of our friend Bill Farmer was what was missing.

Bill Farmer served the Senate with great distinction for 28 years. He has been at the rostrum of the Senate Chamber since March 1971. In July 1974, he was promoted to assistant legislative clerk, and he became chief legislative clerk on March 1, 1980. That was my second year here.

This place is much more than people doing their jobs in a competent manner. It is more like a family. We are very fortunate to have the quality of people who work here—not in a raw partisanship manner—but as bipartisan sources of counsel. They have helped educate me, and have contributed greatly to the Senate family. Bill Farmer did a superb job. But more than that, despite all of the hours and demands that were placed on him, and despite whatever was going on in his personal life, he always maintained an incredible reservoir of good cheer. Bill made life in the Senate a little bit more pleasant for all who came in contact with him on a daily basis. When it is all said and done, that is truly the most important thing. I have always said that legislative work done properly is one of the driest forms of human activity if done properly. If done with emotion and all the other things that clog it up, it can be a very inappropriate activity.

But maintaining one's good humor after reading the final and often arid product of legislative activity for over 21 years is truly an Olympian achievement. But that is the way Bill did the job. He actually looked like he enjoyed reading that unbelievably huge array of material.

So, I am proud to say that he is my friend, and I wish him all the best in his retirement. We thank him for his exemplary service and his contribution to the Senate family.

We already miss you. It is nice so see your successor carrying on as you would have wanted him to do.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

MORNING BUSINESS

Mr. KENNEDY. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

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

ORDER OF PROCEDURE

Mr. KENNEDY. Madam President, I ask unanimous consent that Senator GRAMM be recognized to address the Senate and, at the conclusion of his remarks, the Senate stand in recess as ordered.

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware [Mr. ROTH] as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 103d Congress.

The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 4, 1993, appoints the Senator from Idaho [Mr. KEMPTHORNE] to read Washington's Farewell Address on February 23, 1993.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84, appoints the Senator from Utah [Mr. HATCH], vice the former Senator from Wisconsin [Mr. Kasten], to the U.S. Holocaust Memorial Council.

Mr. GRAMM. Madam President, I am not sure I exactly got all of the information contained in the unanimous-consent request. Are we in morning business as I speak?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Texas is recognized

Mr. GRAMM. I thank the Chair.

(The remarks of Mr. GRAMM pertaining to the introduction of S. 377 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since the last report of August 3, 1992, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to sections 401(c) of the National Emergencies Act ("NEA"), 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act "(IEEPA"), 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a U.S. person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. U.S. persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders Nos. 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1992, through February 1, 1993.

1. On October 21, 1992, President Bush issued Executive Order No. 12817, implementing the United States measures adopted in United Nations Security Council Resolution ("UNSCR") No. 778 of October 2, 1992. UNSCR No. 778 requires U.N. member states temporarily to transfer to a U.N. escrow account up to $200 million apiece in Iraqi oil proceeds paid by the purchaser after the imposition of U.N. sanctions on Iraq. These funds finance Iraq's obligations for U.N. activities with respect to Iraq, including expenses to verify Iraqi weapons destruction and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds will also fund the activities of the U.N. Compensation Commission in Geneva, which will handle claims from victims of the Iraqi invasion of Kuwait. The funds placed in the escrow account are to be returned, with interest, to the member states that transferred them to the U.N., as funds are received from future sales of Iraqi oil authorized by the United Nations Security Council. No member state is required to fund more than half of the total contributions to the escrow account.

Executive Order No. 12817 authorized the Secretary of the Treasury (the "Secretary") to identify the proceeds of the sale of Iraqi petroleum or petroleum products paid for by or on behalf of the purchaser on or after August 6, 1990, and directed United States financial institutions holding such funds to transfer them to the Federal Reserve Bank of New York ("FRBNY") in the manner required by the Secretary. Executive Order No. 12817 further directs the FRBNY to receive, hold, and transfer funds in which the Government of Iraq has an interest at the direction of the Secretary to fulfill U.S. rights and obligations pursuant to UNSCR No. 778.

2. The economic sanctions imposed on Iraq by the Executive order are administered by the Treasury Department's Office of Foreign Assets Control ("FAC") pursuant to the Iraqi Sanctions Regulations, 31 CFR Part 575 ("ISR"). The ISR were amended on September 1, 1992, to revoke section 575.603, which had required U.S. financial institutions to file monthly reports regarding certain bank accounts in which the Government of Iraq has an interest. While this information was needed during the early implementation of the regulations and for a period thereafter, it is no longer required on a monthly basis and can be obtained by FAC on a case-by-case basis as required. The amendment is in harmony with President Bush's Regulatory Initiative.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. These are intended to deter future activities in violation of the sanctions. Additional civil penalty notices were prepared during the reporting period for violations of the IEEPA and ISR with respect to transactions involving Iraq. Penalties were collected, principally from financial in-

stitutions which engaged in unauthorized, albeit apparently inadvertent, transactions with respect to Iraq.

4. Investigation also continues into the roles played by various individuals and firms outside Iraq in Saddam Hussein's procurement network. These investigations may lead to additions to the FAC listing of individuals and organizations determined to be Specially Designated Nations ("SDNs") of the Government of Iraq.

5. Pursuant to Executive Order No. 12817 implementing UNSCR No. 778, on October 26, 1992, FAC directed the FRBNY to establish a blocked account for receipt of certain post-August 6, 1990, Iraqi oil sales proceeds, and to hold, invest, and transfer these funds as required by the order. On the same date, FAC directed the eight United States financial institutions holding the affected oil proceeds, on allocated, pro rata basis, to transfer a total of $200 million of these blocked Iraqi assets to the FRBNY account. On December 15, 1992, following the payment of $20 million by the Government of Kuwait and $30 million by the Government of Saudi Arabia to a special United Nations-controlled account, entitled UNSCR No. 778 Escrow Account, the FRBNY was directed to transfer a corresponding amount of $50 million from the blocked account it holds to the United Nations-controlled account. Future transfers from the blocked FRBNY account will be made on a matching basis up to the $200 million for which the United States is potentially obligated pursuant to UNSCR No. 778.

6. Since the last report, one case filed against the Government of Iraq has gone to judgment. *Consarc Corporation* v. *Iraqi Ministry of Industry and Minerals et al.*, No. 90-2269 (D.D.C., filed December 29, 1992), arose out of a contract for the sale of furnaces by plaintiff to the Iraqi Ministry of Industry and Minerals ("MIM"), an Iraqi governmental entity. In connection with the contract, the Iraqi defendants opened an irrevocable letter of credit with an Iraqi bank in favor of Consarc, which was advised by Pittsburgh National Bank ("PNB"), with the Bank of New York ("BoNY") entering into a confirmed reimbursement agreement with the advising bank. Funds were set aside at BoNY in an account of the Iraqi bank, for reimbursement of BoNY if PNB made a payment to Consarc on the letter of credit and sought reimbursement from BoNY. Consarc received a down payment from the Iraqi MIM and manufactured the furnaces. No goods were shipped prior to imposition of sanctions on August 2, 1990, and the United States claimed that the funds on deposit in the Iraqi bank account at BoNY were blocked, as well as the furnaces manufactured for the Iraqi Government or the proceeds of the sale of the furnaces to third parties. The district court ruled that the furnaces or their sales proceeds were properly blocked pursuant to the declaration of the national emergency and blocking of Iraqi Government property interests, but that, due to fraud on MIM's part in concluding the sales contract, the funds on deposit in an Iraqi bank account at BoNY were not the property of the Government of Iraq, and ordered FAC to unblock these funds. FAC has noted its appeal of this ruling.

7. FAC has issued a total of 337 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Since the last report, 49 specific licenses have been issued. Licenses were issued for transactions such as the filing of legal actions involving Iraqi interests, for legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes.

To ensure compliance with the terms of the licenses which have been issued, stringent reporting requirements have been imposed that are closely monitored. Licensed accounts are regularly audited by FAC compliance personnel and deputized auditors from other regulatory agencies. FAC compliance personnel continue to work closely with both State and Federal bank regulatory and law enforcement agencies in conducting special audits of Iraqi accounts subject to the ISR.

8. The expenses incurred by the Federal Government in the 6-month period from August 2, 1992, through February 1, 1993, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are estimated at about $2 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near East and South Asian Affairs, the Bureau of International Organizations, and the Office of the Legal Adviser), the Department of Transportation (particularly the U.S. Coast Guard), and the department of Commerce (particularly in the Bureau of Export Administration and the Office of the General Counsel.)

9. The United States imposed economic sanctions on Iraq in response to Iraq's invasion and illegal occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions, including those calling for the elimination of Iraqi weapons of mass destruction, the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction (WMD) capabilities, and the return of Kuwaiti assets stolen during its illegal occupation of Kuwait. The U.N. sanctions remain in place; the United States will continue to enforce those sanctions.

The Saddam Hussein regime continued to violate basic human rights by repressing the Iraqi civilian population and depriving it of humanitarian assistance. The United Nations Security Council passed resolutions that permit Iraq to sell $1.6 billion of oil under U.N. auspices to fund the provision of food, medicine, and other humanitarian supplies to the people of Iraq. Under the U.N. resolutions, the equitable distribution within Iraq of this assistance would be supervised and monitored by the United Nations. The Iraqi regime continued to refuse to accept these resolutions and has thereby chosen to perpetuate the suffering of its civilian population.

The regime of Saddam Hussein continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. Because of Iraq's failure to comply fully with United Nations Security Council resolutions, the United States will therefore continue to apply economic sanctions to deter Iraq from threatening peace and stability in the region, and I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

The White House, *February 16, 1993.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on February 5, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendment of the Senate to the bill (H.R. 1) to grant family and temporary medical leave under certain circumstances.

The message also announced that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 10. A concurrent resolution providing for a conditional recess or adjournment of the Senate from Thursday, February 4, 1993, or Friday, February 5, 1993, until Tuesday, February 16, 1993, and a conditional adjournment of the House from Thursday, February 4, 1993, or Friday, February 5, 1993, until Tuesday, February 16, 1993.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1. An Act to grant family and temporary medical leave under certain circumstances.

Under the authority of the order of the Senate of January 5, 1993, the enrolled bill was signed on February 5, 1993, during the recess of the Senate by the Vice President.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-505. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-339 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-506. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-338 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-507. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-344 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-508. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-343 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-509. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-342 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-510. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-347 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-511. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-345 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-512. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the semi-annual report of the Office of the Inspector General, for the period from April 1 to September 30, 1992; to the Committee on Governmental Affairs.

EC-513. A communication from the President of the United States, transmitting, a report entitled "Regulatory Program of the United States Government" for the period April 1, 1992 through March 31, 1993; to the Committee on Governmental Affairs.

EC-514. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-355 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-350 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-516. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-351 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-517. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-352 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-518. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-353 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-519. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-354 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-520. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-348 adopted by the Council on December 1, 1992; to the Committee on Governmental Affairs.

EC-521. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-356 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-522. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-357 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-523. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-358 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-359 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-525. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-360 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-361 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-362 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 9-363 adopted by the Council on December 15, 1992; to the Committee on Governmental Affairs.

EC-529. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the semi-annual report of the Office of the Inspector General for fiscal year 1992; to the Committee on Governmental Affairs.

EC-530. A communication from the Chief Executive Officer of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-531. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992; to the Committee on Governmental Affairs.

EC-532. A communication from the Director of the Federal Domestic Volunteer Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal years 1991 and 1992; to the Committee on Governmental Affairs.

EC-533. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Department of Public Work's Water and Sewer Utility Administration's Capital Improvements Program"; to the Committee on Governmental Affairs.

EC-534. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual Sunshine Act Report for 1992; to the Committee on Governmental Affairs.

EC-535. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, a report relating to the Commission's internal control system for fiscal year 1992; to the Committee on Governmental Affairs.

EC-536. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the Audit Report Register for the period ending September 30, 1992; to the Committee on Governmental Affairs.

EC-537. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, an evaluation of the Commission's system of internal accounting; to the Committee on Governmental Affairs.

EC-538. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the annual report of the Board of Governors of the United States Postal Service for calendar year 1992; to the Committee on Governmental Affairs.

EC-539. A communication from the Acting Secretary of the United States Postal Rate Commission, transmitting, pursuant to law, a notice of filing of complaint and order setting time for responses and appointing officer of the Commission; to the Committee on Governmental Affairs.

EC-540. A communication from the Chairman and Members of the Railroad Retirement Board, transmitting, pursuant to law, reports under the Program Fraud Civil Remedies Act; to the Committee on Governmental Affairs.

EC-541. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls for fiscal year 1992; to the Committee on Governmental Affairs.

EC-542. A communication from the Secretary of Energy, transmitting, pursuant to law, a report under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-543. A communication from the Chairperson of the United States Commission of Civil Rights, transmitting, pursuant to law, a report entitled Enforcement of Equal Employment and Economic Opportunity Laws and Programs Relating to Federally Assisted Transportation Projects; to the Committee on the Judiciary.

EC-544. A communication from the Attorney General, transmitting, pursuant to law, a report on the United States Trustee System Fund; to the Committee on the Judiciary.

EC-545. A communication from the Chief Judge of the United States Claims Court, transmitting, pursuant to law, a report on the claim of Dynamic Technology International, Inc.; to the Committee on the Judiciary.

EC-546. A communication from the Chief Judge of the United States Claims Court, transmitting, pursuant to law, a report of the claim of Hoar Construction, Inc.; to the Committee on the Judiciary.

EC-547. A communication from the Secretary of Education, transmitting, pursuant to law, a publication entitled, "Final Regulations—Territories and Freely Associated States Educational Grant Program"; to the Committee on Labor and Human Resources.

EC-548. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the adoption of foster children; to the Committee on Labor and Human Resources.

EC-549. A communication from the Assistant Attorney General (Civil Rights Division), Department of Justice, transmitting, pursuant to law, the annual report on the activities of the Interagency Coordinating Council; to the Committee on Labor and Human Resources.

EC-550. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the research in Education of Individuals with Disability Program; to the Committee on Labor and Human Resources.

EC-551. A communication from the Chairman of the National Commission for Employment Policy, transmitting, pursuant to law, the annual report for 1991; to the Committee on Labor and Human Resources.

EC-552. A communication from the Chairman of the National Commission for Employment Policy, transmitting, a report entitled "The Employment Effects of the North American Free Trade Agreement: Recommendations and Background Studies"; to the Committee on Labor and Human Resources.

EC-553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on implementation of the Health Care Quality Improvement Act of 1986; to the Committee on Labor and Human Resources.

EC-554. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Childhood Lead Poisoning Prevention Activities under the Lead Contamination Control Act of 1988; to the Committee on Labor and Human Resources.

EC-555. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on the transfers of funds from state to federal campaigns; to the Committee on Rules and Administration.

EC-556. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the annual report of personal property furnished to non-federal recipients during fiscal year 1991; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-23. A joint resolution adopted by the Legislature of the State of Alaska to the Committee on Armed Services:

"LEGISLATIVE RESOLVE NO. 87

"Be it resolved by the Legislature of the State of Alaska:

"Whereas changing world conditions and relationships have lead to pressure on the Congress and the President to reduce defense spending; and

"Whereas reductions in defense spending would probably result in some cuts in personnel stationed at bases around the country because a very significant portion of defense spending is related to personnel costs; and

"Whereas the U.S. military services have been reviewing the need for their current levels of military presence in Alaska, including the army post at For Richardson; and

"Whereas, although military reductions have occurred in Europe and the Far East, Alaska's strategic importance should continue to grow in order to defend the interests of the United States in the Arctic and the Pacific Rim regions; and

"Whereas in 1990, the military services in Alaska stood as the third largest industry in the state, accounting for 16 percent of the state's labor force and 13 percent of the state's payroll with expenditures on behalf of the military services in Alaska having an estimated $2,700,000,000 effort on Alaska's economy; and

"Whereas Fort Richardson Army Post represents one of the largest concentrations of military personnel in Alaska; and

"Whereas all of the military personnel and their families contribute significantly to the state's economy and their presence is vital to the social fabric of the communities in which they live;

"Be it resolved that the Alaska State Legislature urges the President, the Congress, and the U.S. military services to maintain at least the current level of all military facilities throughout Alaska, including the U.S. Army complement at Fort Richardson, which might be subject to closure."

POM-24. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on the Budget.

"LEGISLATIVE RESOLVE NO. 80

"Whereas a strong national defense remains a high priority, although the cost of maintaining a strong national defense has been reduced significantly; and

"Whereas the Budget Enforcement Act of 1990 enacted by the Congress established three separate categories for federal spending; and

"Whereas these categories of defense, domestic, and international spending have spending limits set within each category and transfer of funds between categories is prohibited; and

"Whereas any savings in military spending can be directed only toward budget deficit reduction and may not be reprogrammed for domestic spending; and

"Whereas Alaska, like the other 49 states, faces pressing social and economic needs ranging from health care and day care to transportation and public safety; and

"Whereas state and local government responsibility for providing human services and paying for the renewal of infrastructure has increased over the past decade while federal aid to states and communities has dropped from 29.4 percent to 16 percent of their budgets; and

"Whereas the number of Americans living below the poverty line has increased to 33,000,000 according to 1990 census figures and many families even above the poverty line are facing very difficult economic circumstances that affect the health and education of their children and the well-being and productivity of their adult members; and

"Whereas the fiscal constraints faced across the country retard efforts to preserve our families, develop jobs, clean up our environment, and repair and expand our infrastructure; and

"Whereas President bush proposed a 10-year reduction of 22 percent in the military budget even before the changes in the USSR; and

"Whereas the potential domestic effect of even a small savings in military spending is truly significant as evidenced by the fact that the $865,000,000 cost of just one B-2 bomber exceeds the cost of Aid to Families with Dependent Children (AFDC) in 49 out of the 50 states in the nation; and

"Whereas a "peace dividend" would make a real difference in whether our families can be strong and healthy and whether our nation will be economically competitive, environmentally responsible, and socially compassionate;

"Be it resolved that the Alaska State Legislature urges the Congress and the President, for the sake of present families, future generations of children, and the continued greatness of our nation, to reach a new budget agreement that would allow savings in military spending to be used to meet the nation's enormous domestic social and economic needs as well as for budget deficit reduction."

POM-25. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science and Transportation.

"LEGISLATIVE RESOLVE NO. 53

"Whereas the City of Diomede is located within the jurisdictional boundaries of Alaska and its citizens are residents of Alaska; and

"Whereas the citizens of the City of Diomede have traditionally used the bowhead whale for subsistence; and

"Whereas it is the responsibility of this legislature to represent the interests and protect the rights of the residents of Alaska; and

"Whereas the citizens of the City of Diomede, as expressed in the city's Resolution 90-11, desire to obtain a bowhead whale allocation; and

"Whereas to obtain the allocation the International Whaling Commission must increase the bowhead whale subsistence quota for Alaska Natives; and

"Whereas the City of Diomede's request for an allocation has been endorsed by the Alaska Eskimo Whaling Commission, the local organization that oversees the management of the Eskimo bowhead whale hunt through a cooperative agreement with the National Oceanic and Atmospheric Administration in the United States Department of Commerce; and

"Whereas before the International Whaling Commission will approve the increased bowhead whale subsistence quota, the subsistence needs of the City of Diomede must be documented, and the Alaska Eskimo Whaling Commission has confirmed that the documentation is underway; and

"Whereas the request for the increase in the bowhead whale subsistence quota must be scheduled for consideration at the commission's annual meeting; and

"Whereas a recent certified population census indicates that the healthy population of bowhead whales has increased;

"Be it resolved that the Alaska State Legislature heartily endorses Resolution 90-11 of the City of Diomede and its attempt to obtain a bowhead whale allocation; and be it

"Further resolved that the Alaska State Legislature encourages the International Whaling Commission to grant the request of the Alaska Eskimo Whaling Commission to increase the annual bowhead whale subsistence quota for the Natives of Alaska upon the submission of the subsistence needs report for the City of Diomede; and be it

"Further resolved that the Alaska State Legislature, in light of the certified population census indicating an increase of bowhead whales, and, in light of the traditional and documented use of the bowhead whale by the people of the City of Diomede, strongly endorses the request by the Alaska Eskimo Whaling Commission for an increased bowhead whale subsistence quota to enable the City of Diomede to obtain a bowhead whale allocation."

POM-26. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE NO. 83

"Whereas the seafood industry is the largest private employer in Alaska and the second largest source of revenue for the State of Alaska; and

"Whereas Alaskans deeply care abut the quality of Alaska seafood products and the national and international reputation of Alaska seafood products; and

"Whereas the State of Alaska has long maintained a year-around seafood inspection program to eliminate contamination and deterioration of seafood products produced in the state; and

"Whereas the Alaska seafood inspection program is a model program for the rest of the nation; and

"Whereas the Consumers Union of the United States, Inc., has recently published an article on the quality of fresh seafood based on samples collected in only two retail markets—Chicago and New York—that has seriously questioned the quality and wholesomeness of fresh seafood sold in the United States; and

"Whereas the article is damaging to Alaska's seafood industry because it does not distinguish between fresh or frozen salmon or farmed or wild salmon, identify the species of salmon tested, or identify the state, region, or country of origin of the salmon and other fish tested; and

"Whereas the article found that 43 percent of the salmon tested contained unacceptable levels of polychlorinated biphenyls (PCB's); and

"Whereas the Food and Drug Administration, the Environmental Protection Agency, and the Alaska Department of Environmental Conservation have stated that there are no PCB problems associated with Alaska salmon; and

"Whereas has the most pristine waters in the world according to the National Oceanic and Atmospheric Administration, as demonstrated by water quality sampling at strategic sites across Alaska; and

"Whereas American per capita consumption of fish has increased nearly 25 percent over the past decade; and

"Whereas federal inspection programs have long existed for meat and poultry but not for seafood;

"Be it resolved that the Alaska State Legislature encourages the media to educate and inform the American public about the quality of all fresh seafood sold in the United States; and be it

"Further resolved that the Alaska State Legislature respectfully requests the Congress to establish

"(1) a national mandatory seafood inspection program to ensure that consumers nationwide receive the highest quality seafood products possible; and

"(2) labeling requirements for seafood products that include disclosure of the country or state of origin of the seafood in the product and whether the seafood in the product is farmed or wild."

POM-27. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Finance.

"LEGISLATIVE RESOLVE NO. 91

"Whereas the Omnibus Budget Reconciliation Act of 1990 requires the United States Secretary of Transportation to establish and collect an annual fee for recreational vessels; and

"Whereas the fee is $25 for vessels greater than 16 feet to 20 feet in length, $35 for vessels greater than 20 feet to 27 feet in length, $50 for vessels greater than 27 feet to 40 feet in length, and $100 for vessels greater than 40 feet in length; and

"Whereas the fee will be collected by the United States Coast Guard during federal fiscal years 1991 through 1995; and

"Whereas the fee applies to recreational vessels over 16 feet long that are operated on all navigable waters of the United States where 'the Coast Guard has a presence,' broadly defined as 'within Coast Guard district boundaries'; and

"Whereas information about the fee was published in the Federal Register as a Notice of Proposed Rulemaking so all interested parties would have an opportunity to comment on the procedures for implementing and collecting the fees; and

"Whereas the purpose of the fee is to 'require recreational boaters to share in the cost of existing Coast Guard programs, including search and rescue, boating safety, and aids to navigation * * *'; and

"Whereas the fee will be deposited in the United States Treasury and, even though it will be attributed to Coast Guard activities, there is no guarantee it will be used for Coast Guard programs; and

"Whereas the fee is a new general tax on recreational vessels and an attempt by the federal government to raise new revenue; and

"Whereas the revenue from the fee will not be used to supplement existing programs, but to replace funds that will be diverted to other purposes; and

"Whereas the federal government already collects a motorboat fuel tax levied on the approximately 6,000,000 licensed boats in the United States, and this tax was increased five cents a gallon as part of the 1990 budget reconciliation process; and

"Whereas search and rescue, boating safety, and the aids to navigation are vital public services that should not be subject to user fees; and

"Whereas the fee will be an undue burden on recreational vessel owners and will provide them with no direct benefits; and

"Whereas Representative Robert W. Davis of Michigan introduced H.R. 534 in the U.S. House of Representatives and Senator John B. Breaux of Louisiana introduced S. 843 in the U.S. Senate for the purpose of repealing the annual fee for recreational vessels;

"Be it resolved that the Alaska State Legislature respectfully requests the United States Congress to repeal the annual fee for recreational vessels."

POM-28. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations.

"LEGISLATIVE RESOLVE NO. 82

"Whereas the Bureau of Consular Affairs in the Department of State, through its Citizens Travel Advisory Service, provides important information to persons planning to travel in various locations throughout the world; and

"Whereas these travel advisories can have a profound effect, either positive or negative, on the tourism industry that operates in the locations for which the bureau provides information; and

"Whereas tourism has become the number one industry in the world and in America, providing over 6,000,000 jobs and billions of dollars in revenue for communities throughout the nation; and

"Whereas tourism provides opportunities to open the doors of the global community as a prelude to understanding between different cultures; and

"Whereas public and private entities throughout the world have invested heavily in the development of international tourism; and

"Whereas it is essential that the information put out by the bureau be accurate so that people are well-informed and so that the tourism industry in a particular location is not inadvertently and unnecessarily harmed by inaccuracies;

"Be it resolved that the Alaska State Legislature respectfully requests the Bureau of Consular Affairs, Department of State, to allow public entities in this country that may be affected by a travel advisory to review the advisory before it is released in order to ensure its accuracy and to make other recommendations when necessary or desirable."

POM—29. A petition from citizens of the State of New Hampshire relative to sexual preference; to the Committee on Governmental Affairs.

POM—30. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Governmental Affairs:

"LEGISLATIVE RESOLVE NO. 86

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the federal Office of Management and Budget maintains a Standard Industrial Classification system (SIC) that is used to measure activity in various sectors of the economy; and

"Whereas statistics for the travel and tourism industry are not distinctly identified in the SIC, but are split up into many different categories that include other retail sales and services; and

"Whereas the failure to separately identify travel and tourism as an industry inhibits recognition of the importance of this segment of the economy, both in terms of its

contribution to the gross domestic product and in terms of its positive effect on the nation's balance of trade; and

"Whereas the travel and tourism industry is a significant segment of Alaska's economy and should become one of the top money-producing industries for the nation within the next 10 years; and

"Whereas separate SIC recognition of the travel and tourism industry would aid policy makers in fashioning appropriate measures that promote this very important industry;

"Be it resolved that the Alaska State Legislature respectfully requests the federal Office of Management and Budget to work with the U.S. Travel and Tourism Administration to develop appropriate SIC listings that will give due regard to the importance of the travel and tourism industry; and be it

"Further resolved that the legislature encourages the federal government to include travel and tourism expenditures when it calculates the national trade balance."

POM-31. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs.

"RESOLUTION OF THE STATE OF MAINE

"We, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Third Special Session, most respectfully present and petition the Citizens' Stamp Advisory Committee and the Postmaster General of the United States Postal Service, as follows:

"Whereas, the Town of Castine, Maine has a long and distinguished history that dates from 1604 and includes events of national interest and significance; and

"Whereas, the Town of Castine has been the site of important events in the early history of the United States, including significant military engagements between 1635 and 1814; and

"Whereas, the Town of Castine will celebrate its 200th anniversary on February 10, 1996; and

"Whereas, the Town of Castine's Commemorative Stamp Committee has submitted an application for the issuance of a block of 4 commemorative stamps to the Citizens' Stamp Advisory Committee; and

"Whereas, the 4 proposed stamps will depict the oldest operating Post Office in the United States; the Gunboat U.S.S. Castine, the first steel ship built by Bath Iron Works, which served in the Spanish American War and World War I; Baron Jean-Vincent de Saint Castin for whom the town was named; and Noah Brooks, a Castine native and important journalist, author and close friend of President Abraham Lincoln; and

"Whereas, the issuance of the 4 stamps would be an appropriate recognition of the singular historical role the Town of Castine has played in the United States and the World; now, therefore, be it

"Resolved: That We, your Memorialists, endorse the pending application submitted to the Citizens' Stamp Advisory Committee and respectfully urge the Citizens' Stamp Advisory Committee to act favorably on the request and further respectfully urge the Postmaster General of the United States Postal Service to issue the 4 proposed commemorative stamps; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Citizens' Stamp Advisory Committee; the Honorable Marvin Runyon, Postmaster General of the United States Postal Service; and each member of the Maine Congressional Delegation."

POM-32. A petition from citizens of the State of New Hampshire relative to religious freedom; to the Committee on the Judiciary.

POM-33. A petition from citizens of the State of New Hampshire relative to religious freedom; to the Committee on the Judiciary.

POM-34. A petition from citizens of the State of New Hampshire relative to voluntary prayer in public schools; to the Committee on the Judiciary.

POM-35. A petition from citizens of the State of California relative to congressional term limits; to the Committee on the Judiciary.

POM-36. A petition from citizens of the State of New York relative to Presidential pardons; to the Committee on the Judiciary.

POM-37. A resolution adopted by the Board of Supervisors of the County of Los Angeles relative to Presidential elections; to the Committee on Rules and Administration.

POM-38. A resolution adopted by the Council of the city of Los Angeles, California relative to the right to privacy; to the Committee on Labor and Human Resources.

POM-39. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION NO. 101

"Whereas, Pending federal legislation related to the reauthorization of the Resource Conservation and Recovery Act (RCRA) has the potential of preempting the California Integrated Waste Management Act of 1989 and, if enacted, would force California cities and counties to revise their integrated waste management plans in order to meet new federal specifications; and

"Whereas, The California Integrated Waste Management Act of 1989 includes the same waste diversion goals as those contemplated in the proposed federal legislation: 25 percent diversion of solid waste from landfills by 1995 and 50 percent diversion by the year 2000; and

"Whereas, At least $30 million has already been spent by local governments since the California Integrated Waste Management Act of 1989 became law in developing local plans to meet state regulatory requirements; and

"Whereas, The proposed RCRA reauthorization specifies actual diversion programs which conflict with those programs which are mandated in the California Integrated Waste Management Act of 1989; and

"Whereas, Forcing California cities and counties to comply with the federal diversion programs would cause local governments and the State of California to spend millions of additional dollars in order to meet proposed new planning requirements; and

"Whereas, New federal requirements to meet similar goals would force local governments to spend funds for additional unnecessary planning, instead of for programs which are needed for the implementation of the solid waste diversion programs, including programs to "reduce, reuse, and recycle"; and

"Whereas, The California Integrated Waste Management Board, the California State Association of Counties, the League of California Cities, the Solid Waste Association of North America, and the Southern California Association of Governments have jointly requested the California Congressional Delegation to seek amendments to grandfather the California Integrated Waste Management Act of 1989 into the RCRA reauthorization; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to recognize that the overall goals of both the federal and state programs are similar, and to allow the planning provisions of the California Integrated Waste Management Act of 1989 to supersede the provisions of the RCRA reauthorization; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-40. A petition from a citizen of the State of California relative to federal judges; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 355. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such Act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the United States Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. PRYOR:

S. 356. A bill to amend the Internal Revenue Code of 1986 to replace the possession tax credit with a wage-based employment tax credit; to the Committee on Finance.

By Mr. FORD:

S. 357. A bill for the relief of Ljubica Warren; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 358. A bill to direct the Secretary of Commerce to provide grants to States to provide technical and financial assistance to small and medium-sized manufacturers; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 359. A bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN:

S. 360. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction; to the Committee on Finance.

By Mr. HEFLIN:

S. 361. A bill to amend the Internal Revenue Code of 1986 to restore the regular investment tax credit for property placed in service during a specified period, and for other purposes; to the Committee on Finance.

S. 362. A bill to amend the Internal Revenue Code of 1986 to restore the IRA deduction and for other purposes; to the Committee on Finance.

S. 363. A bill to amend the Internal Revenue Code of 1986 to provide a 50 percent exclusion for gain from certain small business

stock, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 364. A bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions; to the Committee on Finance.

S. 365. A bill to provide for the conveyance of real property at Fort Ord, California, to the University of California and the California State University; to the Committee on Armed Services.

By Mr. EXON (for himself and Mr. HOLLINGS):

S. 366. A bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. SMITH, Mr. REID, and Mr. PELL):

S. 367. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUMPERS (for himself, Mr. BROWN, Mr. KERRY, Mr. LIEBERMAN, Mr. MACK, Mr. RIEGLE, Mr. WOFFORD, Mr. COATS, Mr. BOREN, Mr. DASCHLE, Mr. CRAIG, Mr. DODD, Mr. D'AMATO, Mr. PRYOR, Mr. DECONCINI, Mr. JOHNSTON, Mrs. FEINSTEIN, and Mr. KOHL):

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises; to the Committee on Finance.

By Mr. DURENBERGER:

S. 369. A bill to suspend until January 1, 1995, the duty on certain ceramic ferrules and sleeves; to the Committee on Finance.

S. 370. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figurines; to the Committee on Finance.

By Mr. DODD (for himself, Mr. D'AMATO, and Mr. KERRY):

S. 371. A bill to provide for interstate banking and branching; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI:

S. 372. A bill to extend the existing duty free treatment with respect to articles provided by the Max Planck Institute for Radioastronomy to the Steward Observatory; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. HATCH):

S. 373. A bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic oil and natural gas exploration and production, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 375. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 376. A bill to prohibit the transfer of 2 or more handguns to an individual in any 30-day period; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mr. LOTT):

S. 377. A bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

By Mr. D'AMATO:

S.J. Res. 46. A joint resolution to designate the week beginning March 7, 1993, as "National Manufacturing Week"; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S.J. Res. 47. A joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. SPECTER, and Mr. GRASSLEY):

S. Res. 68. A resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103; to the Committee on Foreign Relations.

By Mr. HEFLIN:

S. Res. 69. A resolution to amend the Standing Rules of the Senate to require that a financial impact statement be included in the report accompanying each bill or joint resolution reported by any committee (except those by the Committee on Appropriations), showing the financial impact that any Federal mandates in the bill or joint resolution would have on States and local governments; to the Committee on Rules and Administration.

By Mr. BRADLEY:

S. Res. 70. A resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 355. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984 AMENDMENTS OF 1993

• Mr. GRASSLEY. Mr. President, I rise today to introduce legislation which would clarify the Government's liability for the actions of individuals performing services for the Environmental Protection Agency in that Agency's Senior Environmental Employment Program [SEE]. The bill I am introducing would also provide SEE program enrollees with the same access to information needed to do their jobs that regular EPA employees presently have.

The Senior Environmental Employment Program began some years ago as a demonstration project jointly supported by the Administration on Aging in the then Department of Health, Education and Welfare, and the Environmental Protection Agency. The primary purpose of the project was to demonstrate ways in which older Americans could be effectively employed in jobs relating to the prevention, abatement and control of environmental pollution.

Over several years, considerable experience was accumulated with older workers in environmental protection activities. Older workers surveyed waste dumps, conducted surveys of hazardous waste products produced by industries, studied the extent to which migrant workers were exposed to pesticides, among other activities.

Then, in 1984, Senators Stafford, Heinz, SPECTER, PELL, and myself introduced legislation to make the program permanent. The Environment and Public Works Committee agreed unanimously to report the legislation, and it was passed by the Senate on March 26, 1984, and signed by the President on June 12, 1984.

The SEE Program has been supported consistently by the leadership of EPA. The legislation which made the program permanent was strongly supported by the then EPA Administrator, William Ruckelshaus. The Clinton administration has not at this time had an opportunity to review this bill. The program has also caused no problems for other, career, EPA employees, since the managers of the program and the agency personnel office must insure that employment of SEE workers does not displace currently employed individuals, interfere with the employment of any Federal employee in layoff status, or affect existing contracts for services.

Older workers are hired by the SEE Program through contracts or coopera-

tive agreements that EPA concludes with several of the national aging organizations. Prominently involved have been the American Association of Retired Persons, the National Council on Aging, and the National Caucus and Center on the Black Aged.

Mr. President, this is a program which has conclusively demonstrated that older workers constitute a valuable resource whose talents we should make every effort to continue to use. In this program, the SEE workers are knowledgeable, often former EPA employees, or professionals who have worked in related fields.

I am introducing this legislation today because there is concern at the EPA that their SEE workers might be liable to lawsuit as a consequence of work they do on behalf of EPA. What the legislation would do is cover these SEE workers under the Federal Tort Claims Act. The workers in question work under the close, direct, supervision of career EPA officials, on projects, specified by EPA officials, which are undertaken as part of the EPA mission.

There is also concern at EPA that the workers in question may not have the legal authority to review, in the course of their work, materials considered to contain proprietary information. This bill would make it clear that they are empowered to review such materials. Again, it is important to stress that these workers are under the close supervision of EPA officials. Furthermore, they are mature individuals with long histories of work comparable to work they would be performing for EPA. In other words, I believe they would be able to handle such information in a responsible way.

Mr. President, I have a statement from the Environmental Protection Agency to the effect that neither the Department of Justice nor the Office of Management and Budget have any problem with this legislation. I ask unanimous consent that this letter be placed in the RECORD after my remarks. I should note again that the Clinton administration has not had the opportunity to review this legislation; the statement to which I refer was provided by EPA last year. I ask also that the text of the legislation appear in the RECORD after my remarks.

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

S. 355

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 "Environmental Programs Assistance Act of 1984 Amendments of 1993".

SEC. 2. AMENDMENTS TO THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT.

(a) IN GENERAL.—Section 2 of the Environmental Program Assistance Act of 1984 (42 U.S.C. 4368a) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, any individual whose talents are authorized by subsection (a) to be used in connection with the programs administered by the Administrator of the Environmental Protection Agency shall have the same access as Federal employees have to, and shall be subject to the same penalties as Federal employees are subject to for unauthorized disclosure of, trade secrets and confidential business information—

"(1) submitted in connection with—

"(A) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

"(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(D) the Clean Air Act (42 U.S.C. 7401 et seq.);

"(E) the Public Health Service Act (42 U.S.C. 201 et seq.), including section 1445(d) of such Act (42 U.S.C. 300j-4(d));

"(F) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

"(G) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(H) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), including section 13(b) of such Act (42 U.S.C. 4912(b));

"(I) section 408(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(f)); or

"(J) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.);

"(2) submitted pursuant to any contract or other agreement with the United States; or

"(3) otherwise obtained by an officer or employee of the Environmental Protection Agency under any authority.

(b) APPLICABILITY OF ETHICS AND CONFLICT OF INTEREST PROVISIONS UNDER TITLE 18, UNITED STATES CODE.—Section 2 of such Act (42 U.S.C. 4368a), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(e) Any individual whose talents are authorized by subsection (a) to be used in connection with the programs administered by the Administrator of the Environmental Protection Agency shall be subject to the requirements of sections 201 through 209 of title 18, United States Code (relating to ethics and conflict of interest).".

(c) TRADE SECRETS AND CONFIDENTIAL BUSINESS INFORMATION DEFINED.—Section 2 of such Act (42 U.S.C. 4368a), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(f) For purposes of this section, the term 'trade secrets and confidential business information' includes all information prohibited from disclosure by section 1905 of title 18, United States Code (relating to trade secrets), or by any other law referred to in this section.".

SEC. 3. SUNSET PROVISION.

The amendment made by section 2(a) shall be effective during the 2-year period beginning on the date of enactment of this Act.●

By Mr. PRYOR:

S. 356. A bill to amend the Internal Revenue Code of 1986 to replace the possession tax credit with a wage-based employment tax credit; to the Committee on Finance.

POSSESSIONS WAGE CREDIT ACT OF 1993

Mr. PRYOR. Mr. President, over the last few years, I have been the chief critic of the section 936 tax credit.

My reason for being so actively opposed to this tax credit, stems from my belief that it has become the most abusive of all tax shelters, maybe of all time.

The chief beneficiaries—and abusers—of the section 936 tax credit are the highly profitable pharmaceutical companies that manufacture drugs in Puerto Rico.

With the help of section 936, these drug manufacturers have managed to reap recordbreaking tax benefits and pad their already soaring profit margins at the expense of the American taxpayer, who is being whipsawed at every angle.

First, a pharmaceutical company develops a drug in its U.S. research facility, many times with funds directly provided by the American taxpayer. The American taxpayer then also gives the pharmaceutical company tax credits for research and development of drugs. In addition, the pharmaceutical company may then deduct its research and development costs in the year they are incurred.

On top of these several subsidies, section 936 then allows this same pharmaceutical company to manufacture the drugs in its subsidiary in Puerto Rico, allowing income from sales of its drugs to be tax free.

Then, Mr. President, after the American taxpayer forks over all these hard earned tax dollars to the drug companies, the taxpayer ultimately has to go to the drugstore to fill his prescription when he is sick, and as an American consumer, he finds or she finds that they have to pay the highest prescription drug prices in the world today.

It is no wonder that the pharmaceutical industry is the most profitable in the world. The American taxpayer props it up at every conceivable point, while the American consumer, having no other choice, pays through the nose, by paying the highest prices in the world for our prescription drugs.

Mr. President, the pharmaceutical industry calls this free enterprise. I call it greed. Nevertheless, it is intolerable, and now we must change it.

In the last Congress, I introduced S. 2000, the Prescription Drug Cost Containment Act of 1991, which used a carrot-and-stick approach to provide incentives to the pharmaceutical industry to curb its price increases. S. 2000 provided that, as a company's drug prices exceeded inflation, its section 936 tax credit would be proportionately reduced. That is what S. 2000 was about and, of course, the pharmaceutical companies did everything they could to defeat this proposal on the Senate floor, with the pharmaceutical companies hiding behind—as always—that old and too familiar argument that they are not going to be able to find the cure for cancer, Alzheimer's, and AIDS if they do not get this tax break.

Mr. President, last spring I unsuccessfully offered S. 2000 as an amendment to the tax bill. But since that

time the landscape, I think, has been changed dramatically. We now have great opportunities to effect real change by reordering our priorities and reassessing the needs of our American citizens.

One of the most exciting and complex areas in the forefront for change is health care. The new administration is now in the process of evaluating our current health care system and is now considering options for the improvements to access and to control costs. It has been announced that this administration will come forward with a plan early this spring.

Mr. President, within that plan, I expect issues dealing with the cost of prescription drugs will be addressed. I look forward to working with this administration on its proposal and I hope to offer my own proposal in the near future.

In the meantime, the President is in the process of formulating his economic package, cutting Government costs and asking certain segments of our society in America to pay their fair share.

Mr. President, today I come to the floor of the Senate to introduce the Possessions Wage Credit Act of 1993, which will ask the pharmaceutical industry to pay its share. And I ask the President and my colleagues respectfully to take a look at section 936 of our Tax Code to consider closing this huge loophole before it raises taxes on the more vulnerable segments of our society.

When Congress originally enacted section 936, it sought to promote the economy of Puerto Rico and to create jobs.

The Congressional Budget Office estimates that, due to section 936, the U.S. Treasury will lose some $15 billion in tax revenues during the period from 1993 through 1997.

Today, section 936 companies employ about 10 percent of the total jobs in Puerto Rico, or in other words, it supports about 100,000 jobs for $15 billion lost to our Treasury in taxes.

The pharmaceutical industry alone in Puerto Rico will soak up over one-half of this $15 billion in credits while only providing 18 percent of the total jobs created by section 936 companies. That, Mr. President, is around $7.5 billion to create in Puerto Rico only 18,000 jobs.

Mr. President, I have here a chart that shows that on average when a pharmaceutical manufacturing company operating in Puerto Rico pays a salary of $26,471, it takes a tax credit of $70,788. This is from the Department of the Treasury, and these are the latest available statistics that we have.

Mr. President, I would like to submit that there is no other industry in the world that we know of that is subsidized to the extent of this section 936 tax benefit, as I call it, a great tax loophole. In fact, some companies receive $3 and $4, and in one case $6, in tax breaks for every $1 paid to workers in Puerto Rico.

For example, Pfizer has a big plant in Puerto Rico. It makes enormous profits. And for every dollar that they pay to the wage earner in those particular plants in Puerto Rico, the Pfizer Manufacturing Pharmaceutical Co., gets $6.36 in tax benefits.

American Home Products is another example, $3.28 in tax benefits for every dollar that they pay in wages in Puerto Rico.

Mr. President, this, we hope, will be a new age of fairness and responsibility. I submit, Mr. President, respectfully, this is one of the areas that we can begin to reorder our priorities and reintroduce fairness into our Tax Code.

I have used these numbers often to make the case that section 936 is an inefficient way to create jobs, that the drug companies have exploited the credit well beyond what the original drafters could have ever conceived. But in the recent 1989 Statistics of Income Bulletin that we have just received, Mr. President, published by the Internal Revenue Service, the IRS is reporting that, for the first time ever, the tax benefits which all companies received as a result of section 936 are now higher than the pay of their employees. These are all types of companies, including the drug companies, that have now moved to Puerto Rico to take advantage of the tax system that we have created there.

Mr. President, I respectfully submit that section 936 is completely broken and the American taxpayer and the Puerto Ricans are coming out the big losers.

The legislative solution that I offer today is to repeal section 936 and to phase in a more efficient wage credit over a 5-year period. The wage credit is the same credit as that offered to American cities and rural communities in the enterprise zone legislation passed by the Senate last year and which we expect to resurface again this year as a solution to the economic hardships faced by Americans throughout the United States.

Mr. President, the revenue savings of this proposal should be very significant although we do not yet have the official numbers.

Mr. President, I agree some of these funds must go for long-term investment in the Puerto Rican people, and we look forward to exploring ways to make the best use of these very, very scarce resources.

Also, the American taxpayer will benefit from my proposal since part of savings will be applied toward a 100-percent deduction for health care insurance premiums for the self-employed for 1993. This will correct the gross inequity in the law that has existed too long.

Further, Mr. President, I find it intolerable and irresponsible that we should have allowed the 25-percent deduction for these premiums for the self-employed to expire as of last June 30. This bill would correct this problem by going back to provide the revenues so that the small businessmen may deduct that 25 percent of their health care premiums for the last half of 1992 as they had planned.

Mr. President, I urge the new administration and my colleagues to look at this proposal as it sets its program and moves that program forward.

Mr. President, I send to the desk my legislation to repeal section 936.

Mr. President, I thank the Chair. I yield the floor.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

There being no objection, the bill is ordered to be printed in the RECORD, as follows:

S. 356

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 "Possessions Wage Credit Act of 1993".

SEC. 2. REPLACEMENT OF POSSESSION TAX CREDIT WITH WAGE-BASED EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45A. POSSESSIONS EMPLOYMENT CREDIT.

"(a) AMOUNT OF CREDIT.—For purposes of section 38, the amount of the possessions employment credit determined under this section with respect to any eligible employer for any taxable year is 40 percent of the qualified possession wages paid or incurred during such taxable year.

"(b) QUALIFIED POSSESSION WAGES.—For purposes of this section, the term 'qualified possession wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified possession employee to the extent such wages do not exceed $20,000.

"(c) QUALIFIED POSSESSION EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified possession employee' means, with respect to any period, any employee of an eligible employer if—

"(A) substantially all of the services performed during such period by such employee for such employer are performed within a possession of the United States in a trade or business of the employer,

"(B) such employee is a bona fide resident of such possession, and

"(C) such employee is subject to tax by such possession on income from sources within and without such possession.

"(2) CERTAIN INDIVIDUALS NOT ELIGIBLE.—The term 'qualified possession employee' shall not include—

"(A) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1),

"(B) any 5-percent owner (as defined in section 416(i)(1)(B)), and

"(C) any individual unless such individual either—

"(i) is employed by the employer at least 90 days, or

"(ii) has completed at least 120 hours of services performed for the employer.

"(d) ELIGIBLE EMPLOYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible employer' means a domestic corporation which—

"(A) elects the application of this section, and

"(B) meets the conditions of both subparagraphs (A) and (B) of paragraph (2).

"(2) CONDITIONS WHICH MUST BE SATISFIED.—The conditions referred to in paragraph (1) are as follows:

"(A) 3-YEAR PERIOD.—If 80 percent or more of the gross income of such domestic corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States (determined without regard to section 904(f)).

"(B) TRADE OR BUSINESS.—If 75 percent or more of the gross income of such domestic corporation for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) POSSESSION.—The term 'possession of the United States' includes the Commonwealth of Puerto Rico and the Virgin Islands.

"(2) WAGES.—The term 'wages' has the same meaning as when used in section 51, except that paragraph (4) of section 51(c) shall not apply.

"(3) TREATMENT OF CERTAIN FOREIGN TAXES.—For purposes of this title, any tax of a foreign country or possession of the United States which is paid or accrued with respect to taxable income of an eligible employer for any taxable year for which an election is in effect under this section shall not be treated as income, war profits, or excess profits paid or accrued to a foreign country or possession of the United States. The preceding sentence shall not apply to the extent such amounts exceed the amount of the credit determined under subsection (a) for such taxable year.

"(4) CONTROLLED GROUPS.—

"(A) TREATED AS SINGLE EMPLOYER.—All employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of this section.

"(B) PROPORTIONATE SHARE.—The credit (if any) determined under this section with respect to each employer described in subparagraph (A) shall be such employer's proportionate share of the wages giving rise to such credit.

"(5) DENIAL OF DOUBLE BENEFIT.—No credit or deduction shall be allowable under any other provision of this title with respect to any wages taken into account in computing the credit allowed by this section.

"(6) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of section 51(k) and subsections (c), (d), and (e) of section 52 shall apply.

"(f) TRANSITION RULES.—For purposes of this section—

"(1) IN GENERAL.—In the case of a taxpayer for which a credit is allowed under section 936 for its last taxable year ending before February 16, 1993, the credit determined under subsection (a) for each of the 5 taxable years in the transition period shall not be less than the lesser of—

"(A) the old section 936 amount, or

"(B) the adjusted wage credit.

"(2) OLD SECTION 936 AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The term 'old section 936 amount' means, with respect to any taxable year, the applicable percentage of the lesser of—

"(i) the amount of the credit which would have been determined under section 936 but for section 936(i), or

"(ii) 115 percent of the average amount of the credit under section 936 of the taxpayer and its predecessors for the 3-taxable-year period ending with the taxpayer's last taxable year ending before February 16, 1993 (not taking into account years in which the taxpayer or any predecessor was not in existence).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

"In the case of the following year in the transition period:	The percentage is:
1st	100
2d	100
3d	75
4th	50
5th	25.

"(3) ADJUSTED WAGE CREDIT.—For purposes of paragraph (1)(B)—

"(A) IN GENERAL.—The term 'adjusted wage credit' means, with respect to any taxable year, the amount determined under subsection (a) by substituting the applicable percentage for 40 percent.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

"In the case of the following year in the transition period:	The percentage is:
1st	100
2d	100
3d	85
4th	70
5th	55.

"(4) TREATMENT OF ADDITIONAL CREDIT.—If an additional credit is allowed to a taxpayer for any taxable year by reason of this subsection, then, for purposes of this title—

"(A) an election under section 936 shall be treated as in effect with respect to such taxpayer for such taxable year, and

"(B) the excess of the credit allowed under this section for such taxable year over the amount of the credit which would have been allowed without regard to this subsection shall be treated as a credit allowed by section 936.

"(5) TRANSITION PERIOD.—For purposes of this subsection, the term 'transition period' means the 5-taxable-year period beginning with the taxable year which includes February 16, 1993."

(b) TERMINATION OF SECTION 936 CREDIT.—

(1) IN GENERAL.—Section 936 of such Code is amended by adding at the end the following new subsection:

"(i) TERMINATION.—Except as provided in section 45A(f)(4), no credit shall be allowed under this section for any taxable year ending on or after February 16, 1993."

(2) CONFORMING AMENDMENT.—Section 27(b) of such Code is amended by adding at the end the following new sentence: "Except as provided in section 45A(f)(4), no credit shall be allowed under this subsection for any taxable year ending on or after February 16, 1993."

(c) CREDIT ALLOWED AS BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b) of such Code is amended by striking "plus" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", plus", and by adding at the end the following new paragraph:

"(9) the possessions employment credit under section 45A(a)."

(2) TRANSITION.—Section 39(d) of such Code is amended by adding at the end the following new paragraph:

"(4) NO CARRYBACK OF POSSESSIONS EMPLOYMENT CREDIT.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45A may be carried back to any taxable year ending before February 16, 1993."

(d) CONFORMING AMENDMENTS.—

(1) Sections 243(b)(1)(B)(ii) and 1361(b)(2)(D) of such Code are each amended by inserting "45A or" before "936".

(2) Section 1504(b)(4) of such Code is amended by inserting "section 45A (relating to possessions employment credit) or" before "section 936".

(3) Clause (ii) of section 6091(b)(2)(B) of such Code is amended by inserting "section 45A (relating to possessions employment credit) or" before "section 936".

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45A. Possessions employment credit."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after February 16, 1993.

SEC. 3. EXTENSION AND MODIFICATION OF DEDUCTION OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) 18-MONTH EXTENSION.—Paragraph (6) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "June 30, 1992" and inserting "December 31, 1993".

(b) INCREASE IN AMOUNT OF DEDUCTION.—Section 162(l)(1) of such Code is amended by striking "25 percent of".

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 110(a) of the Tax Extension Act of 1991 is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after June 30, 1992.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1992.

By Mr. WOFFORD:

S. 358. A bill to direct the Secretary of Commerce to provide grants to States to provide technical and financial assistance to small- and medium-sized manufacturers; to the Committee on Commerce, Science, and Transportation.

INDUSTRIAL INNOVATION ACT OF 1993

• Mr. WOFFORD. Mr. President, today I introduce the Industrial Innovation Act to help small- and medium-sized manufacturers and their employees boost their productivity and competitiveness.

Our small- and medium-sized industrial companies—the same companies that helped us to become a superpower both economically and militarily—are

suffering. To meet the challenges of a newly competitive world, they need to improve products, seek new markets, and upgrade their production systems. Unfortunately, smaller firms often lack the expertise, money, and time to do what needs to be done.

Up to now, the States have taken the lead in helping these firms meet the challenges of increased international competition. I know that there are many good ideas in Washington. But as a former Secretary of Labor and Industry for Pennsylvania, I know firsthand that there are a lot of good ideas outside the Beltway as well.

Pennsylvania offers a good example of how State programs can make a real difference. The Commonwealth's eight Industrial Resource Centers provide substantive services to over 1,000 Pennsylvania firms. The Commonwealth has also implemented a successful government-industry-university program, the Ben Franklin Partnership, which is uniquely positioned to commercialize state-of-the-art research—an area in which the United States must do better if we are to retain our technological leadership. Federal support would allow these programs to expand and assist even more of my State's 18,000 manufacturing firms, an investment that would pay off in better product quality, improved technology, and more jobs in the manufacturing sector.

The Industrial Innovation Act of 1993 would foster a system of extension services to provide technical and financial assistance to small- and medium-size manufacturers. And this legislation would provide Federal assistance in ways that are developed locally and most responsive to the needs of business.

The Industrial Innovation Act would go beyond encouraging the diffusion of the latest technology or introducing the newest equipment. It would assist firms in improving their workplace practices and identifying their training needs. Training is an essential element in industrial modernization. At least two recent reports, one from the Heinz School of Public Policy and Management and the final recommendations of the Training Subcouncil of the Competitiveness Policy Council, conclude that a key to our future economic competitiveness is for firms to adopt high performance practices. As described in the Heinz School report, high performance firms continuously improve to increase productivity, develop new product and process innovations, and reduce costs. These firms expend considerable resources on training and employee development as part of longer term production strategies.

Though some American companies have adopted high performance practices, we have not been as successful as our top competitors at spreading high performance across industries and firms of different sizes. To get at this problem, the Industrial Innovation Act would target 50 percent of its assistance on helping firms to undertake human resource development initiatives essential for industrial modernization and the fulfillment of improved competitiveness. These initiatives would include developing and carrying out high performance workplace systems and company and industry-specific training for workers required for the introduction of advanced manufacturing technologies.

In addition, the Industrial Innovation Act would require the Secretary of Commerce to annually evaluate the success of State grantees based on objective measures, including growth in employment, productivity, market share, and sales. Federally supported technology programs should have clear goals. Achieving those goals should be a condition for continued support. This legislation would make certain that only those programs that are actually improving business conditions and stimulating economic growth would be financed.

President Clinton has made the preservation of our industrial base a top priority. I believe assistance to successful State programs is one way to improve our economic growth and international manufacturing competitiveness.

Mr. President, I ask unanimous consent that the full text of the legislation and an article from today's New York Times about State-based industrial extension program appear following my remarks.

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

S. 358

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

SECTION 1. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Industrial Innovation Act of 1993".

(b) STATEMENT OF PURPOSE.—The purposes of this Act are to help small and medium-sized businesses to utilize the best practices in quality processes, productivity, and marketing programs and to utilize such practices in human resource management.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) SMALL AND MEDIUM-SIZED MANUFACTURER.—The term "small and medium-sized manufacturers" shall have such meaning as the Secretary, by regulation, shall prescribe.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for fiscal years 1994, 1995, and 1996 not more than $300,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization provided by subsection (a) shall remain available until expended.

SEC. 4. APPLICATION.

(a) GRANTS.—The Secretary is authorized to make grants to the States to enable the States to provide technical and financial assistance to small and medium-sized manufacturers in accordance with this Act.

(b) IN GENERAL.—To receive a grant under this Act, a State shall submit to the Secretary an application at such time and in such form and containing such information as the Secretary may require, including, but not limited to—

(1) the certifications required under subsection (c);

(2) identification of the impact of industrial job loss on the State, regions within the State, and particular communities;

(3) the need for services among manufacturing firms;

(4) existing State and local efforts to address such needs;

(5) assurances satisfactory to the Secretary that the State will use amounts from a grant only for the eligible activities under section 5;

(6) identification, through a strategic plan, of how a grant will leverage coordination of existing private and public business services, financial assistance, job training and educational programs in support of objectives of the grant;

(7) assurances satisfactory to the Secretary that the State will not provide technical and financial assistance under this Act to any small or medium-sized manufacturer who does not have a committee, comprised of management and employees other than management, advising on planning and new technology, and making recommendations concerning training needs and health and safety issues; and

(8) assurances satisfactory to the Secretary that assistance provided in accordance with this Act are coordinated with other Federal and State efforts to meet the needs of small and medium-sized manufacturers and their employees.

(c) CERTIFICATIONS.—The State shall certify to the satisfaction of the Secretary that—

(1) the State will provide funds from its revenues in an amount equal to $1 for every $10 of Federal funds from such grant for the purpose of providing technical and financial assistance to small and medium-sized manufacturers;

(2) the State will maintain its aggregate expenditures from all other sources for programs which provide technical and financial assistance to small and medium-sized manufacturers at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act;

(3) the State will require each small and medium-sized manufacturer receiving financial assistance under section 5 to provide funds in an amount equal to and not less than $1 for every $1 of funds provided to the manufacturer in those cases where the State provides direct financial assistance under such section for the purpose of supplementing such funds; and

(4) the State will evaluate any subgrantee in accordance with objective measures of success for State programs established by the Secretary, including growth in employment, productivity, market share and sales. The State will submit annually to the Sec-

retary a report containing such information as the Secretary shall determine appropriate, including evaluations of any State subgrantee.

SEC. 5. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—A State shall use amounts from a grant under this Act only to provide technical and financial assistance to small and medium-sized manufacturers doing business in such State in accordance with the allocation requirements under subsection (b).

(b) STATE ALLOCATION.—The State will allocate amounts received from a grant under this Act in accordance with the following requirements:

(1) 50 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to small and medium-sized manufacturers to make quality and productivity improvements and expand markets through various activities, including—

(A) developing and carrying out strategic planning for innovation and industrial modernization;

(B) developing and carrying out advanced manufacturing processes, practices and techniques, and best commercial practices;

(C) transferring advanced manufacturing technologies and best commercial practices;

(D) assessing export potential and undertaking export marketing programs;

(E) supporting manufacturing extension services;

(F) fostering supplier networks and other forms of collaboration among businesses to improve competitiveness;

(G) assistance in developing new products and technologies;

(H) market expansion assistance, including support for export trade, and procurement assistance centers that are recognized by the Small Business Administration;

(I) strategic financing assistance for export, new product development and the commercialization of new technologies;

(J) planning development and design of projects for new commercial uses in critical technology areas such as high speed transportation technology, digital communications, and optical electronics; and

(K) assessing employee training needs and arranging for appropriate training resources; and

(2) 50 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to small and medium-sized manufacturers to undertake human resource development initiatives essential for industrial modernization and the fulfillment of improved competitiveness strategies, including—

(A) developing and carrying out high performance workplace systems and employee involvement and Labor-Management Committees to—

(i) reduce overspecialization;

(ii) foster flexible work organization;

(iii) increase teamwork among workers across functional work units; and

(iv) expand employees' roles as partners with management in planning and managing change;

(B) developing and carrying out company and industry-specific training for workers required for the introduction of advanced manufacturing technologies and other industrial modernization initiatives;

(C) developing and carrying out work force literacy programs for industrial modernization; and

(D) developing and carrying out programs to encourage employee ownership.

(c) COORDINATION.—The Secretary of Commerce shall coordinate as necessary with the Secretary of Labor and States' employment services and Service Delivery Areas (as described in section 101 of the Job Training Partnership Act) and other pertinent State agencies to carry out the provisions of this Act.

SEC. 6. REPORT.

Not later than January 1, 1996, the Secretary shall submit to the Congress a report containing—

(1) a compilation of the information contained in the State reports received by the Secretary pursuant to section 4(c)(4); and

(2) an evaluation of the effectiveness of the grant program.

SEC. 7. EVALUATION.

The Secretary shall establish objective measures of success for State programs, including growth in employment, productivity, market share and sales. The Secretary shall annually evaluate the success of each State program receiving a grant pursuant to this Act. No State shall be eligible for future grants that has not successfully used a grant as determined by the Secretary.

[From the New York Times, Feb. 16, 1993]

TRAVELING HIGH-TECH AGENTS HELP UPDATE SMALL FACTORIES

(By John Holusha)

DORNSIFE, PA.—High technology arrived here one recent morning in a silver Volkswagen van with 107,000 miles on the odometer and James Bodnar at the wheel.

Mr. Bodnar, an engineer, and his partner, Zane Patalive, a computer specialist, turned up at Keim's Machine and Tool Company to tinker with Dave Keim's computer-operated lathe and one of Bill Clinton's industrial policy goals.

Like the agricultural extension agents who take their expertise up and down the dusty roads of America's farm country, the two men travel with similar intent. They respond to pleas for help from small manufacturers in the hills and valleys of central Pennsylvania who are trying to get more out of their computers, their production equipment and their workers.

A POSSIBLE MODEL

The two are in the business of rendering technical assistance, and what they do is low key at this point. But government officials are looking closely at their program and others like it, seeking models for a high-stakes Federal and state effort to eke more productivity out of the small manufacturers who are so important in the food chain of American competitiveness.

On this afternoon, however, Washington seems very far away from Keim's Machine and Tool Company. Operating in the service area of a defunct Chevrolet dealership by the side of a lightly traveled road, Keim's embodies the "small" in small business. Mr. Keim has one full-time shop worker and two part-timers on his pay-roll. His wife, Nancy, manages the two-desk office that is one symbol of the company's progress. Until last year, when the office and the shop shared the same space Mrs. Keim has to shout "turn off the machines" whenever the telephone rang.

The company produces precision parts that go into industrial tools and is what industrial analysts call a foundation firm—one of the 360,000 or so small and medium-sized manufacturers that are the supply base for major corporations.

What has been troubling Mr. Keim is the single computer-controlled lathe that sits in his shop of mostly manually operated machine tools. The Hitachi Seiki lathe can automatically turn out parts following the instructions of a program, and Mr. Keim has taught himself how to write compute code to instruct it. But the controller's memory is so small that producing new parts requires Mr. Keim to kill out programming covering old parts. He does not want to do that in case customers reorder old parts. So he has called in Mr. Bodnar and Mr. Patalive to help him figure out a way to transfer the programming onto a high-capacity disk drive on his office computer.

The two men work for the Industrial Modernization Center, Inc., a state-backed consulting and training firm in Williamsport, near here. It is one of eight not-for-profit corporations established by the State of Pennsylvania to provide hands-on services to small and medium-sized companies that probably could not afford private consultants even if they knew the right ones to call.

Although many states offer some form of technological assistance to small manufacturers, only about a dozen provide the services of field representatives who, like agricultural extension agents, call on manufacturers and offer help. Besides Pennsylvania, they are Georgia, Indiana, Iowa, Maryland, New Jersey, New York, North Carolina, Ohio, South Carolina, Tennessee and Virginia, according to a compilation by the National Governors Association.

Given the suspicion that many small-business people have about government, the state connection is not heavily advertised. "If I showed up with a business card saying, 'I'm from the state and I'm here to help you,' I'd get tossed out on my ear," said one technical extension agent in another state.

THE TASK AT HAND

Mr. Bodnar and Mr.. Patalive bring technical credentials and practical operating experience to their clients. Mr. Bodnar is an industrial engineer with an M.B.A. degree, who spent 19 years in the steel industry before joining the center about 4 years ago. Mr. Patalive has a degree in computer science and worked as a consultant to I.M.C. and others before joining the staff early this year.

When they arrive, Mr. Keim does not mince words.

"We want to go from an all-manual operation to computerized without hiring a lot of computer people," he said. In addition to linking the office computer with the automated lathe, he wants to harness the computer's power to keep books and analyze the business.

"I want software to keep track of shop time so I can know which jobs are profitable," he said "I want to know where to raise my prices and where to lower them."

Mr. Bodnar offers the services of I.M.C.'s demonstration center in Williamsport, where there are computers and software packages that Mr. Keim can test before shelling out any money. Mr. Patalive said he could start with a program called Shoptimizer, developed by the Industrial Software Company of East Providence, R.I., for operations like Keim's.

The ability to use computers effectively is one of the two great divides that separate old-fashioned, mostly small, manufacturing operations from those that are at the forefront of technology, said Robert W. Vandine, the executive director of I.M.C. The other is the ability to reorganize and retrain workers so they become participants in factory operations, rather than just automations. If American manufacturers do not improve technology and workplace organization, they

will not be able to compete internationally, he said.

SPEAKING FROM EXPERIENCE

"I feel passionately about this," he said, his own history coming through. In an earlier job, he had been manager of Bethlehem Steel's wire rope plant in Williamsport—until the company was driven out of the business by imports.

"One of our major goals has been the development of understandable packages of computer-based technology," Mr. Vandine said. Most small manufacturers, he said, are too busy pushing products out the door—to keep the cash flowing in—to fight their way through the software jungle.

But their need for that equipment is evident. Small and medium-sized manufacturers are 25 percent less productive than big companies. a 1990 Census Bureau study found, largely because they are half as likely to be using computer-controlled equipment.

Although strict free-market advocates will probably scream, the Clinton Administration plans to stimulate job and economic growth by increasing the technical assistance available to manufacturers. It is backing legislation that would expand the existing seven technology assistance centers operated by the national Institutes of Standards and Technology to a nationwide network of 170. Financing would grow from a modest $17 million this year to $150 million in the 1994 fiscal year.

DIED IN CONGRESS

Legislation to expand the network was passed in different forms by both houses of Congress last year—without Bush Administration support—but died before the House and Senate versions could be sorted out. Senator Ernest F. Hollings, Democrat of South Carolina, chairman of the Commerce Committee, has pledged early action this year.

"One of the functions will be to support state technical extension services," said Philip Nanzetta, director of the Manufacturing Extension Partnership of the National Institutes.

The various centers work in different ways. In Pennsylvania, recognizing that cutting and bending metal is a way of life in the central part of the state. Mr. Bodner's Industrial Modernization Center focuses on helping companies in those businesses. It helped PMF Industries, a company that forms stainless-steel products, with training in statistical process control to improve quality. Playworld Systems, which makes playground equipment in New Berlin, got help in converting hard-to-understand engineering drawings into renderings for sales pitches.

But that's not all the center does. In a gesture to the small cut-and-sew apparel operations that dot the area as well, it has bought automated machinery to generate the large paper markers used to guide cutters. Robert Cross, the president of Equinox Ltd., which makes camping equipment, said the center gave him access to equipment he could not afford on his own.

HOLDING DOWN THE PRICE

A Pennsylvania grant of $688,000 for the year allows Mr. Vandine to keep the prices of his five consultants' services down. "If it's a qualified project, for every $1 I collect from the client, I'll get 25 cents from the state grant," he said. He said the need to hustle business kept the center entrepreneurial and more attuned to the needs of the region than more formalized state programs would be.

At Keim's, the two technology agents and Mr. Keim walk out into the shop to take a closer look at the troublesome machine. Mr. Keim makes it clear he is thinking beyond a single used 1986-vintage lathe. "We need to develop more computer-controlled machinery in here," he said. "That's the way manufacturing is going in the United States."

Hence the problem.

"If I go to Hitachi Seiki, they will want to sell me a box to put on this machine," he said, referring to a specialized data storage unit. That would probably work well enough, but would not meet his goal of writing instructions in the office while the machine is operating and then quickly loading them to begin a new production run as soon as the previous one is finished. "You have no idea how much time that would save," he said.

Nor would it help control the other machines he hopes to add. Mr. Patalive closely eyes the lines of code displayed on the lathe's control unit and pronounces the problem solvable. The control unit has a cable port to connect with the office computer. Now all he must do is find software that will allow the two units to talk to each other.

A PROPOSED SOLUTION

A few weeks later he is ready to write a proposal for Mr. Keim. He has found software that will link the office computer to the lathe for about $500 plus a $250 installation fee. But he hopes to persuade him to spend a total of $1,000 for added programming that will let him simulate the cutting paths of tools on a computer screen to speed operations and to control multiple machines—a strategy even more advanced than Mr. Keim thought possible.

Mr. Patalive said he would negotiate with the software supplier to get a fixed price for Mr. Keim, instead of the costs-plus-expenses formula the vendor prefers. I.M.C. does not charge a fee for its consultants' first visit, and is paid modestly for services rendered, like the software installation.

As for Mr. Keim's problem, Mr. Bodner considered it straightforward, easy to solve—and typical.

"A lot of people have bought a computer and some software because they have been told they need one," he said, "but they do not know how to use them. That's where we can add some value."•

By Mr. DECONCINI:

S. 359. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL COIN ACT

• Mr. DECONCINI. Mr. President, I rise today to ask this body to recognize the men and women of law enforcement who have died in defense of their communities and their country. The measure I have sent to the desk is a very simple proposal that is intended to make clear a profound truth: The war in our Nation's streets against crime, drugs and violence is claiming some of the very best and brightest of our citizens—police officers.

As many of you know, there is a majestic National Law Enforcement Officers Memorial just down the street from the Capitol. This includes a "Pathway of Remembrance" where the names of 12,928 law enforcement officers who have died in the line of duty from all parts of the United States are engraved on marble walls. It is the one symbol which reminds us all that there is a domestic war which claims its victims every single day. It is a fitting tribute to the sacrifices made by the brave men and women of law enforcement and their families. The memorial is a constant reminder of the increasingly dangerous occupation which is today's law enforcement. The bill I am sending to the desk is a further recognition of the bravery displayed by these protectors of the peace.

The National Law Enforcement Officers' Memorial Coin Act, which I am introducing today, will authorize the minting of coins to be issued in 1994 to pay honor and respect to these fallen protectors of the peace. This legislation will allow for a surcharge on the sale of these coins, the proceeds of which would go to establish a national law enforcement officers memorial maintenance fund. The fund will be used to finance major repairs and alterations to the memorial, and when tragedy strikes again, provide for the addition of individual names to the memorial. In addition, proceeds from the sale of these coins will cover payment to the Treasury Department for all costs authorized in this bill. Sadly, law enforcement organizations estimate that another 153 names will have to be added to the memorial by year's end.

This bill will authorize the minting of a limited number of both gold five dollar and silver one dollar coins. Sales of the gold five dollars coin and the silver one dollar coin will include a surcharge of $35 and $7 respectively. The Secretary of the Treasury in consultation with officials of the National Park Service and the U.S. Commission on Fine Arts will select the coin's design.

From the very inception of the Law Enforcement Memorial to final construction, funding has come from the private donations of thousands of individuals, corporations and many law enforcement organizations. None of these people had to do this; many have made great sacrifices to complete this silent tribute to their friends, family, colleagues, mothers and fathers. In keeping with the tradition of the memorial, the total cost for production and distribution of the coins will be paid from the surcharge on the coin itself and it will not cost the taxpayer one penny.

There is no doubt in my mind that your support for the minting of these coins and the establishment of this fund will touch the hearts and minds of generations of police officers and their families.

Despite the best efforts of all branches of Government our first line of defense against absolute anarchy, the police officer, continues to be killed in the line of duty. Mr. President, I am sure that you would agree this is an abhorrent reality. It is my fervent wish that not a dime from the

proceeds of the sale of these coins would need to be expended to add another name to the national memorial. It is painfully evident that until we as a nation get serious about the crime epidemic, officers will still die, families will suffer and names will continue to be added to these memorials.

I am pleased to inform you, Mr. President, that this bill will also be a living tribute to the men and women who wear the badge. There is a provision contained in this legislation which authorizes the Secretary of the Interior, in consultation with the Attorney General, to establish an educational scholarship for the immediate family members of law enforcement officers killed in the line of duty, using a portion of revenues generated by coin sales.

The police officer is on duty 24 hours a day, 365 days a year. It is appropriate for us to take just a few moments to help repay that dedication by supporting this measure. This bill is clear and concise, and I hope it will be considered and passed in an expeditious manner.

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

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

S. 359

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Officers Memorial Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—The Secretary of the Treasury (hereafter referred to as the "Secretary") shall issue not more than 200,000 five dollar coins, which shall—

(1) weigh 8.859 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) ONE DOLLAR SILVER COINS.—The Secretary shall issue not more than 750,000 one dollar coins which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) DESIGN.—The design of coins authorized to be minted under this Act shall be emblematic of the National Law Enforcement Officers Memorial, and shall be minted from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.). On each such coin there shall be a designation of the value of the coin, an inscription of the year "1994", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 3. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the National Law Enforcement Officers Memorial Fund, Inc., the Secretary of the Interior (or his or her designee), and the Commission of Fine Arts.

SEC. 4. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price at least equal to the cost of bullion, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the five dollar coins and $7 per coin for the one dollar coins.

SEC. 5. ISSUANCE OF THE COINS.

(a) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be issued only through the end of calendar year 1994.

(b) PROOF AND UNCIRCULATED COINS.—The coins authorized under this Act shall be issued in uncirculated and proof qualities, and not more than 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality.

SEC. 6. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity. No firm shall be considered to be a Federal contractor for purposes of 41 C.F.R. Part 60 et seq. as a result of participating as a United States Mint consignee.

SEC. 7. DISTRIBUTION OF SURCHARGES.

The total amount of surcharges received by the Secretary from the sale of coins under this Act shall be promptly paid by the Secretary to the Fund established under section 11.

SEC. 8. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the National Park Service as may be related to the expenditure of amounts paid under paragraph (2) of section 9.

SEC. 9. COINAGE PROFIT FUND.

Notwithstanding any other provision of law—

(1) all amounts received from the sale of coins under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund to the Fund established under section 11 and to the Department of the Treasury; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

SEC. 10. FINANCIAL ASSURANCES.

(a) NO COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins under this Act shall not result in any net cost to the Federal Government.

(b) PAYMENT.—No coin shall be issued under this Act unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

SEC. 11. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—There is hereby established the National Law Enforcement Officers Memorial Maintenance Fund (hereafter referred to as the "Fund"), which shall be a revolving fund, to be administered by the Secretary of the Interior (or his or her designee). Monies for the Fund shall be raised through surcharges authorized under section 7. The Secretary of the Interior may accept donations for the Fund. The Fund shall be maintained in an interest bearing account within the Department of the Treasury.

(b) PURPOSES.—The Fund shall be used—

(1) for maintenance and repair of the National Law Enforcement Officers Memorial;

(2) to add to the Memorial the names of law enforcement officers who have died in the line of duty;

(3) for security of the Memorial site, to include the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary of the Treasury and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the Memorial, the total amount of such scholarships not to exceed 10 percent of the Fund's annual income;

(5) for the dissemination of information regarding the Memorial to the general public; and

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

(A) 10 percent of the Fund's annual income; or

(B) $200,000 in any 1-year period.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.●

By Mr. DORGAN:

S. 360. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction; to the Committee on Finance.

SELF-EMPLOYED ACT OF 1993

Mr. DORGAN. Mr. President, the tax laws of this country have turned our independent farmers and producers into second class citizens where medical insurance is concerned. We have one set of rules for the self-employed, but a much better set of rules for people who work in corporations and who enjoy the security that those institutions provide.

This is blatant injustice. These people who go it alone in America today—whether they are farmers, artists, or entrepreneurs—deserve more help

where health insurance is concerned, not less. That is why I am introducing today a bill to right this wrong in the Federal tax laws and make it easier for our independent producers to buy health insurance they need for themselves and their families.

While I served on the House Ways and Means Committee I led the fight to correct this tax inequity. And I intend to pursue this tax matter with equal vigor in the Senate.

The problem here is simple. If you are the president of Time-Warner, or the Washington Post, or any other corporation, you get your medical coverage tax-free, on top of the millions of dollars in salary and other benefits the company may provide. If you work for such a company, your medical coverage is tax-free too, and the company can deduct 100 percent of the cost.

By contrast, if you work for yourself—as a farmer, artist, entrepreneur, whatever—you can deduct only 25 percent of your health insurance costs. Worse, you cannot even do that any more; the provision expired on June 30 of last year, and then-President Bush vetoed the extension that was in the economic growth package last November.

As we sit here today, the independent producers of this country get no help at all in paying for medical insurance premiums that are going through the roof.

There is absolutely no excuse for this. The health of a farm family is no less important than the health of the president of Cargill or General Mills, and the Internal Revenue Code should reflect this simple fact. That is what my bill would do. For this year, it would restore the old 25 percent deduction for health insurance costs of the self-employed. The deduction would increase to 50 percent in 1994 and 1995. After that, Americans who work for themselves could deduct 100 percent of their insurance costs, just as corporations do.

These Americans cannot wait while Washington plays games. More than 36 million Americans currently do not have health insurance, and this includes a large number of family farmers and entrepreneurs. These numbers will only grow larger, as the cost of insurance continues to increase. We should encourage those Americans who set out on their own, not levy a surtax upon them in the form of higher insurance costs. The next Apple corporation may never appear, because of an insurance premium that is too high to meet.

I urge my colleagues to cosponsor this legislation. It is important tax justice, and to the well-being of our independent producers and the entire country.

I ask unanimous consent to print the bill in the RECORD.

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

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "the applicable percentage".

(b) Paragraph (6) of section 162(l) of such Code is amended to read as follows:

"(6) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

In the case of taxable years beginning in calendar year:	The applicable percentage is:
1992 or 1993	25
1994 or 1995	50
1996 or thereafter	100."

(c) Paragraph (2) of section 110(a) of the Tax Extension Act of 1991 is hereby repealed.

(d) The amendments made by this section shall apply to taxable years ending after June 30, 1992.

By Mr. HEFLIN:

S. 361. A bill to amend the Internal Revenue Code of 1986 to restore the regular investment tax credit for property placed in service during a specified period, and for other purposes; to the Committee on Finance.

S. 362. A bill to amend the Internal Revenue Code of 1986 to restore the IRA deduction and for other purposes; to the Committee on Finance.

S. 363. A bill to amend the Internal Revenue Code of 1986 to provide a 50 percent exclusion for gain from certain small business stock, and for other purposes; to the Committee on Finance.

ECONOMIC REVITALIZATION TAX ACT OF 1993

Mr. HEFLIN. Mr. President, I rise today to introduce several bills designated to aid in the recovery of our Nation's economy. These measures are aimed at giving back to the American people the ability and the incentive to invest their money back into America. President Clinton challenged us in his inaugural address by reminding us that what is wrong with this country can be cured by what is right with this country. The bills I bring to the floor today will help what is wrong with the economy by encouraging the sound principles of investment that have served this Nation well in the past.

My first bill, will reinstate the investment tax credit. This bill will allow businesses to recognize a tax credit on the tangible personal property which they purchase. I introduced this legislation during the last Congress with a strong belief that providing American business with incentives to investment for the future would help all Americans. As we embark on a new session of Congress my resolve on this credit has grown even stronger.

Before its repeal in 1986, the investment tax credit proved to be one of the most effective incentives to business. Under this credit, a business considering purchasing new equipment would view such an investment as having immediate as well as long range returns. Investment of this nature means more than just an increased demand for equipment and a strengthening of our industrial base—in real terms, it means jobs for many Americans, and hope for many families.

An investment tax credit is not a corporate giveway. It is incentive for companies to reinvest in themselves, and thus reinvest in the lives of their employees. As I said on the floor last year, we must turn away from the do nothing and hope policy. With a new administration and a new Congress I believe we are doing just that. The investment tax credit is something we can give to the American people to illustrate we believe in them and their ability to do great things.

Mr. President, the second bill I am introducing will restore the IRA deduction. Like the investment tax credit, restoration of the IRA deduction for all Americans will lead to reinvestment in the Nation. IRA's lead to a growth in capital available for investment in the country. At the same time, they allow our citizens to save and plan for their retirement.

We must encourage long range thinking. IRA's do this. Many studies show us that IRA's encourage low-savings households to save more. President Clinton has spoken very thoughtfully about investing in our future and in our children's future. A return of the IRA deduction will be a good start to this investment policy. It will provide incentive for the most important investor, the American family, to return to the long range savings market.

Mr. President, I am also introducing a bill to provide a targeted capital gains exclusion. Under my proposal, an exclusion would be provided for gain from certain small business stock held for at least 2 years. There has been much discussion about capital gains over the last several years. What must be realized is that there are different types of capital gains. My bill is aimed at encouraging investment in small business stock.

America has been built on ideas and hard work. These ideas, however, must be supported by investors. American entrepreneurs still lead the world with their ideas. This bill will encourage investors to support these small business persons who provide jobs and opportunities for many in their communities.

In the same vein as the investment tax credit, the targeted capital gains exclusion will allow people to reinvest in American business and thus in the lives of their fellow Americans. As President Clinton has stated so eloquently, we are all in this together. As such, we must all pull together, invest in our future and in the future of all of our children.

Mr. President, all three of these bills are introduced with a hope for our future. More important, I offer them as a plan for the future. A plan based on

long range, not quick fix solutions. This Nation is still the home of the American dream. Let us not dwell on some past economic failures, but instead let us provide the leadership and incentive for the rebirth of the dream.

I believe in the American people, and I believe in the ability of the people to grow a strong economy. Our job is simply to create a legal framework under which the strength and ingenuity of the American people can flourish. I hope all of my colleagues will join me in support of this bill and in support of my belief that if you give Americans the freedom and incentive to prosper they will do so with astounding results.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 364. A bill to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions; to the Committee on Finance.

DISASTER RELIEF ACT OF 1993

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill that will provide some relief to victims of federally declared disasters. While this proposal will not lessen the heartache and suffering that these people have endured, these simple revisions to the tax code will, I hope, assist disaster victims in rebuilding their lives more quickly.

It's been almost a year and a half since residents of California's East Bay suffered the Nation's most disastrous urban firestorm. My memory of the disaster is vivid. The whirlwind firestorm claimed 25 lives, scorched 1,900 acres and destroyed over 3,000 homes, leaving most victims with nothing more than the clothes on their backs. And, if that wasn't enough, victims now face Federal tax rules that inhibit their ability to restore their ravaged lives. I note, Mr. President, that this bill is identical to legislation introduced last year which was incorporated into H.R. 11 and passed both Chambers. Unfortunately, for reasons not related to this provision, the bill was vetoed by President Bush. Although the IRS granted disaster victims a blanket extension on the deadline for reinvesting compensation for their fire loss until the end of 1994, that extension expires during this Congress. Action is needed now to avoid further burden for these disaster victims.

The bill, Mr. President, provides three very simple, yet important, revisions to the Tax Code in an effort to help victims who have lost their homes and/or personal property in presidentially-declared disasters:

First, it would extend the time to rebuild or buy a principal residence from 2 to 4 years. Taxpayers unable to build in 2 years will not be penalized by losing the rollover period for homeowners to reinvest any capital gain;

Second, this legislation would exclude capital gains on any unscheduled personal property. Insurance proceeds rarely if ever reimburse a taxpayer fully for their loss and this would minimize the recordkeeping involved in listing losses of all personal property and the replacement cost of normal household property;

Third, this proposal would treat insurance proceeds covering personal property and insurance proceeds covering real property as one common fund, which a taxpayer would use to replace their real and personal property. Current law requires real property proceeds to be used for only real property replacement. The change would provide that there is no gain to the taxpayer as long as all the insurance proceeds are reinvested in replacing their home and furnishings and allow the taxpayer to allocate the insurance proceeds between real and personal property as their needs dictate.

As every Member of this Chamber can certainly attest, California is not the only State to be hit by a natural disaster in the past few years. Southern Florida and Kauai are still recovering from the enormously destructive storms that ravaged their communities only months ago, and, just recently, New York and New Jersey were hit with devastating storms and floods. This legislation would pertain to any presidentially declared disasters occurring on or after September 1, 1991. Just recently, President Clinton declared 19 additional counties in my State Federal disaster areas. These new areas will benefit from this legislation. Providing this tax relief will not bust the budget. According to the Joint Tax Committee, the revenue impact of this bill is negligible.

Mr. President, there is no way to predict the devastation and havoc handed down by Mother Nature. We can, however, make the rebuilding a little simpler. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 364

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

SECTION 1. MODIFICATION OF INVOLUNTARY CONVERSION RULES FOR CERTAIN DISASTER-RELATED CONVERSIONS.

(a) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) SPECIAL RULES FOR PRINCIPAL RESIDENCES DAMAGED BY PRESIDENTIALLY DECLARED DISASTERS.—

"(1) IN GENERAL.—If the taxpayer's principal residence or any of its contents is compulsorily or involuntarily converted as a result of a Presidentially declared disaster—

"(A) TREATMENT OF INSURANCE PROCEEDS.—

"(i) EXCLUSION FOR UNSCHEDULED PERSONAL PROPERTY.—No gain shall be recognized by reason of the receipt of any insurance proceeds for personal property which was part of such contents and which was not scheduled property for purposes of such insurance.

"(ii) OTHER PROCEEDS TREATED AS COMMON FUND.—In case of any insurance proceeds (not described in clause (i)) for such residence or contents—

"(I) such proceeds shall be treated as received for the conversion of a single item of property, and

"(II) any property which is similar or related in service or use to the residence so converted (or contents thereof) shall be treated for purposes of subsection (a)(2) as property similar or related in service or use to such single item of property.

"(B) EXTENSION OF REPLACEMENT PERIOD.—Subsection (a)(2)(B) shall be applied with respect to any property so converted by substituting '4 years' for '2 years'.

"(2) PRESIDENTIALLY DECLARED DISASTER.—For purposes of this subsection, the term "Presidentially declared disaster' means any disaster which, with respect to the area in which the residence is located, resulted in a subsequent determination by the President that such area warrants assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistant Act.

"(3) PRINCIPAL RESIDENCE.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 1034, except that no ownership requirement shall be imposed."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property compulsorily or involuntarily converted as a result of disasters for which the determination referred to in section 1033(h)(2) of the Internal Revenue Code of 1986 (as added by this section) is made on or after September 1, 1991, and to taxable years ending on or after such date.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 365. A bill to provide for the conveyance of real property at Fort Ord, CA, to the University of California and the California State University; to the Committee on Armed Services.

FORT ORD REAL PROPERTY CONVEYANCE ACT

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce, on behalf of myself and Senator BOXER, a bill that would allow the conveyance of approximately 2,500 acres of land at Fort Ord in Monterey, CA, to the University of California [UC] and California State University [CSU].

When Fort Ord closes in 1994, it will take with it tens of thousands of jobs and millions of dollars in economic activity that are vital to the region. UC and CSU plan to convert the base into an academic and research institution that will be a model for the reuse of closing military bases.

The centerpiece of Fort Ord's reuse plan is the establishment of a CSU 4-year, full-service residential campus for 25,000 students. In addition, UC will establish a science, technology, and policy center devoted to marine and environmental studies and technologies.

The Monterey Bay area's prestigious cluster of marine, environmental, and atmospheric institutions is an ideal setting for this project. The institutions would attract not only local, State, and Federal agencies, but would draw in businesses in fields ranging from biotechnology and computer sciences to marine biology and environmental cleanup. Already, the National Oceanic and Atmospheric Administration has proposed creating a cooperative institute at Fort Ord to conduct research and assist in the cleanup of hazardous waste.

This land transfer is necessary to ensure the long-term success of the project. As private companies take part in environmental research and develop new technologies, the revenue generated would be used for other research and educational purposes. The development of public-private partnerships is critical to the Fort Ord reuse plan and is essential to the operation of a financially feasible research and academic facility.

By design, Fort Ord is becoming a national model for the reuse of military bases. Not only will the UC and CSU proposed facilities help boost the area's sagging economy by creating thousands of jobs and millions of dollars in revenue, but valuable research will be conducted and new technologies developed that could benefit every American.

Mr. President, this bill is important to the Monterey area, the State of California, and the entire country.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 365

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

SECTION 1. CONVEYANCE OF SURPLUS REAL PROPERTY AT FORT ORD, CALIFORNIA.

(a) CONVEYANCE.—The Secretary of Defense shall convey, without reimbursement, to the University of California and the California State University all right, title, and interest of the United States in and to a tract of real property described in subsection (b), including improvements thereon, which is located at Fort Ord, California. The Secretary shall not impose as part of the conveyance under this subsection any condition or restriction on the use of the conveyed real property by the recipients.

(b) DESCRIPTION.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by the Secretary of Defense on the basis of the Educational Public Benefit Transfer Applications submitted by the University of California and the California State University before March 8, 1993, with regard to Fort Ord.

By Mr. EXON (for himself and Mr. HOLLINGS):

S. 366. A bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry; to the Committee on Commerce, Science, and Transportation.

THE AIRPORT AND AIRWAY SAFETY, CAPACITY, NOISE IMPROVEMENT AND INTERMODAL TRANSPORTATION ACT

Mr. EXON. Mr. President, the bill that I am introducing today on behalf of myself and Senator HOLLINGS is nearly identical to a bill that is being introduced today on the other side of the Hill in the House of Representatives.

This has to do with a measure vitally important to the future of the aviation industry at all levels in the United States. We had a press conference this morning. The Speaker of the House of Representatives was there. Expedited procedures are going to be instituted in the House of Representatives, and I hope we could expedite procedures here also so these bills that are nearly identical could go forward in an accelerated action for the reasons I will state in just a few moments.

Mr. President, in 1991, I introduced legislation to create a blue ribbon commission to make recommendations to ensure strong and competitive airline and aircraft manufacturing industries. That legislation became law as part of the Federal Aviation Administration Reauthorization Act approved in the 102d Congress.

Since the enactment of that legislation, a new President was elected. I have worked closely with Secretary Pena to make the Commission the primary forum for the discussion of new strategies to restore the economic health to our Nation's airline and aircraft industries.

This morning, the Secretary, the House leadership and I announced at a joint press conference the introduction of bipartisan legislation to expand the Commission and focus its attention on three immediate priorities, namely financial stability, manufacturing and future international competitiveness of the nation's aviation industries. These are things that are absolutely necessary that we address as soon as we can.

The changes embodied in this legislation implement the desire of the new Congress and the new administration to move aggressively to find solutions to our Nation's aviation problems. As Secretary Pena indicated this morning, this is not an effort to look back and assign blame. It is an effort to boldly move forward.

America's aviation industries have long been symbols of our Nation's economic and technological strength. The sight of American troops deplaning from commercial aircraft in the Persian gulf and Somalia are reminders that America not only has an economic security interest in aviation industries, we have a national security interest in these industries.

It is time for change. The status quo means lost jobs and lost competitiveness.

The new Commission will be the forum for a new agenda. It will necessarily meet an ambitious and difficult schedule to consider options and make recommendations to the President and the Congress.

There is no time to waste.

I urge my colleagues to quickly pass this much needed legislation.

As the Secretary of Transportation pointed out this morning, in the last year the airline industry has lost $8 billion. We are now seeing a further deterioration in everything from where airplanes fly and what the costs are to the manufacture of aircraft and the loss of jobs in our factories.

It seems to me we should heed the requests by the aviation industry who I suspected a year ago would be the last to come to the new administration and to the Congress and ask for some help to restore some kind of semblance of order in this industry that has been plagued by the rigors of deregulation, by the rigors of high financing schemes that have made it nearly impossible for these industries to look to the future with any degree of security.

The Commission that will be appointed will have 15 Members; 5 will be appointed by the Secretary of Transportation, 5 appointed by the Senate leadership, and 5 by the House leadership. In addition to that there will be some ex officio members of both the House and the Senate there who will not vote. These individuals, commission members and experts, will be working very hard and very long on this for the next 90 day's. That 90 day's is the time limit set by the Secretary of Transportation for their report, which indicates as much as anything else the seriousness of the situation in the opinion of the Secretary of Transportation. Mr. President, I send a bill to the desk on behalf of myself and Senator HOLLINGS to amend the Airport and Airway Safety, Capacity, Noise Improvement, Intermodel Transportation Act of 1992.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 366

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

SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation

Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—the Commission shall be composed of 15 voting members and 9 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 1 nonvoting member appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 1 nonvoting member appointed by the minority leader of the Senate.".

(b) QUALIFICATIONS OF MEMBERS.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) QUALIFICATIONS.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) TRAVEL EXPENSES.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 75".

(d) CHAIRMAN.—Paragraph (6) subsection (e) of such section is amended to read as follows:

"(6) CHAIRMAN.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairman of the Commission from among its voting members.".

(e) COMMISSION PANELS.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission.".

(2) CONFORMING AMENDMENT.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) STAFF AND OTHER SUPPORT.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) TERMINATION.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) COMMISSION EXPENDITURES.—Such section is further amended by adding at the end the following new subsection:

"(n) COMMISSION EXPENDITURES.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993."

(j) PREVIOUSLY APPOINTED MEMBERS.—Such section is further amended by adding at the end the following new subsection:

"(o) PREVIOUSLY APPOINTED MEMBERS.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

Mr. HOLLINGS. Mr. President, last year, Congress passed legislation reauthorizing the programs of the Federal Aviation Administration, which included provisions establishing a national commission to ensure a strong competitive airline industry. These provisions were based on legislation introduced by Senator EXON, which I cosponsored, to establish a blue-ribbon commission to look at the ailing airline and aircraft manufacturing industries. When this legislation was approved, the financial picture for the aviation industry was bleak. Since then, it has declined even further.

The legislation which Senator EXON is introducing today, and which I am cosponsoring, amends the current law to expand the number of people to be appointed to the commission and directs that the commission report to the President and Congress its findings within 90 days. The commission's mandate remains the same—to look at the complex problems within both the airline and the aircraft manufacturing industries. The commission's task is monumental, and I welcome the advice that the commission will provide on possible solutions to the aviation crisis.

Over the last 3 years, the airline industry has lost more than $10 billion. More than 100,000 airline jobs have been eliminated over the last 3 years. In the aircraft manufacturing industry, more than 38,000 people were laid off last year, and Boeing, McDonnell Douglas, and Pratt & Whitney are expected to lay off more than 50,000 people this year. We have heard many times that the aircraft manufacturing industry is the Nation's principal exporter. Yet, because U.S. airlines are in such financial decline, they are canceling orders and delaying delivery of aircraft—the problems of the two industries are clearly interrelated. It is imperative that the commission examine both industries carefully.

Secretary of Transportation Peña has made the state of aviation industry and the activities of this commission among his highest priorities. This legislation must be enacted expeditiously to ensure that we can proceed on this important matter. I urge my colleagues to join in supporting this effort.

By Mr. AKAKA (for himself, Mr. SMITH, Mr. REID, and Mr. PELL):

S. 367. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE DOWNED ANIMAL PROTECTION ACT OF 1993

• Mr. AKAKA. Mr. President, today I am introducing the Downed Animal Protection Act, a bill to eliminate inhumane and improper treatment of downed animals at stockyards. Senators SMITH, REID, and PELL have joined me in sponsoring this bill. The legislation will prohibit the sale or transfer of downed animals unless they have been humanely euthanized.

Downed animals are severely distressed recumbent animals that are so sick they cannot rise or move on their own. They are also referred to as nonambulatory animals. Once an animal becomes immobile and fails to stand, it is left to lie where it falls, often without receiving basic needs. Downed animals that survive the stockyard are eventually slaughtered for human consumption.

These animals are extremely difficult, if not impossible, to handle humanely. They have very specific needs, and must be fed and watered individually. They require bedding and a separate pen, and need veterinary attention. The suffering of downed animals is so severe that the only humane solution is immediate euthanasia.

Mr. President, the bill I have introduced provides for euthanasia of these hopelessly sick or injured animals by humane methods that rapidly and effectively renders animals insensitive to pain. Humane euthanasia of downed animals will limit animal suffering and will encourage the livestock industry to concentrate on improved management and handling practices to avoid this problem in the first place.

Downed animals comprise a tiny fraction, roughly one-tenth of 1 percent, of animals at stockyards. Banning their sale or transfer would cause no economic hardship. The Downed Animal Protection Act will prompt stockyards to refuse to accept crippled and distressed animals and will make the prevention of downed animals a priority for the livestock industry. In this way the bill will reinforce the livestock industry's commitment to humane handling of animals.

The downed animal problem has been addressed by major livestock organizations such as the United Stockyards Corp., the Minnesota Livestock Marketing Association, the National Pork Producers Council, the Colorado Cattlemen's Association, and the Independent Cattlemen's Association of Texas. All these organizations have taken strong stands against improper treatment of animals by adopting "no-downer" policies. I want to commend these and other organizations, as well as every responsible and conscientious

livestock producer in this country, for their efforts to end an appalling practice that erodes consumer confidence.

In addition to the concern expressed about this problem within the livestock industry, Ed Madigan, during his tenure as Secretary of Agriculture, expressed concern about the treatment of downed animals and recommended that his agency would increase efforts to protect animal rights at livestock markets nationwide. On May 21, 1991, he was quoted as being "disgusted and repelled" at the way downed animals had been treated, and added that the Agriculture Department was going to be more aggressive and effective in dealing with animal welfare. In response, USDA's Packers and Stockyards Administration issued a recommendation for stockyards to take steps to assure that proper care and handling are provided to animals. Saner, more humane ways of handing downed animals were also the subject of hearings by the House Subcommittee on Livestock, Dairy and Poultry during the 102d Congress.

Despite these actions and an unprecedented consensus among the industry, animal welfare movement, consumers, and government that downed animals should not be sent to stockyards, this sad problem continues to exist, causing animal suffering and an erosion of confidence in the industry.

Mr. President, the legislation that I invite all my colleagues to support will complement the industry's efforts to address this problem by encouraging better care of animals at farms and ranches. Animals with impaired mobility will be treated better in order to avoid the possibility of them going down. The bill will remove the incentive for sending downed animals to stockyards in the hope of receiving some salvage value for such animals and would encourage greater care during loading and transport. By allowing 1 year for the legislation to come into effect, the bill will also end improper breeding practices which account for a significant percentage of downed animals. This will be conducive to a gradual, phased-in introduction of more humane treatment policies.

My legislation would set a uniform standard throughout the States thereby removing any unfair advantages that might result from differing State guidelines. Furthermore, no additional bureaucracy will be needed as a consequence of my bill because inspectors of the Packers and Stockyards Administration regularly visit stockyards to enforce existing regulations. Thus, the additional regulatory burden on the agency and stockyard operators will be insignificant.

Thank you, Mr. President, I ask that a copy of the Downed Animal Protection Act be printed in the RECORD following my remarks. I urge all of my colleagues to join in supporting this legislation.

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

S. 367

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 "Downed Animal Protection Act of 1993".

SEC. 2. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

Title III of the Packers and Stockyards Act, 1921 is amended by inserting after section 317 (7 U.S.C. 217a) the following new section:

"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

"(a) DEFINITION.—As used in this section, the term 'humanely euthanized' means to kill an animal by mechanical, chemical, or other means that rapidly and effectively renders the animal insensitive to pain.

"(b) UNLAWFUL ACT.—It shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, or hold nonambulatory livestock unless the livestock has been humanely euthanized.".

SEC. 2. EFFECTIVE DATE.

This Act and the amendment made by this Act shall become effective 1 year after the date of enactment of this Act.•

By Mr. BUMPERS (for himself, Mr. BROWN, Mr. KERRY, Mr. LIEBERMAN, Mr. MACK, Mr. RIEGLE, Mr. WOFFORD, Mr. COATS, Mr. BOREN, Mr. DASCHLE, Mr. CRAIG, Mr. DODD, Mr. D'AMATO, Mr. PRYOR, Mr. DECONCINI, Mr. JOHNSTON, Mrs. FEINSTEIN and Mr. KOHL):

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises; to the Committee on Finance.

ENTERPRISE CAPITAL FORMATION ACT OF 1993

• Mr. BUMPERS. Mr. President, today I am proud to reintroduce the Enterprise Capital Formation Act, S. 368, a capital investment tax incentive that challenges Americans to make high-risk, long-term, growth-oriented investments in the enterprises that will lead America into the 21st century.

END OF STALEMATE

The stalemate on capital gains tax incentives can be over. We have in this bill a gains incentive on which we can all agree, Democrats and Republicans, Congress and the President.

Some would like to go further, but there can be no dispute that the investments covered by this incentive should stand first-in-line.

REVENUE IMPACT

This investment incentive is not premised on the supply-side claim that it will magically pay for itself. I have never believed the supply-side claims that tax cuts will pay for themselves. Back in 1981 I warned that the supply-side tax cut would generate deficits that would "choke a mule." Unfortunately, that warning proved to be an understatement.

This bill is scored by the Joint Tax Committee as losing $1 billion over 6 years. I accept the Joint Tax estimate and I will insist that this revenue loss be financed on a pay-as-you-go basis. Those of us who support tax incentives for savings and investment cannot claim that we have increased savings and investment on a net basis if we run up the public deficit to pay for it. This is a zero sum game with the increase in private savings canceled out by the decrease in public savings.

I have not proposed an offset to pay for the modest revenue loss associated with the bill I am introducing today, but, given the amount of revenue involved, it can easily be financed in the context of the tax bill that will be proposed by President Clinton tomorrow.

The Joint Committee on Taxation has estimated that the Tax Code will grant $2.132 trillion in tax expenditures over the next 5 years, so I'm sure it won't be difficult for President Clinton and the Joint Committee to suggest an appropriate offset.

FAIRNESS

In addition, we have learned that fairness is another key to consideration of an investment incentive in the Congress.

This legislation does not provide an undeserved, retroactive tax windfall for wealthy investors for the sale of investments that were made long before it goes into effect. The bill only applies to new investments made in response to the new incentive.

This legislation rewards investors and entrepreneurs who are willing to take risks and invest for long-term economic growth, not short-term income. It calls on them to change their portfolio strategy and does not simply reward investors for doing exactly what they are already doing without any capital gains tax incentive for doing so.

This legislation does confer advantages on wealthy taxpayers who act as outside investors and provide capital to entrepreneurs who need it. Any cut in capital gains taxes provides benefits to those who have capital to invest. But, the bill also provides tax benefits to individual entrepreneurs who found new businesses and build its value with their own savings and sweat equity.

The Progressive Policy Institute has found that a targeted capital gains tax reduction is fair to low and middle income taxpayers. The study is entitled "Tax Incentives for Investing in Emerging Firms: A Strategy for Enhancing U.S. Competitiveness" and its author is Dr. Robert Shapiro. Dr. Shapiro served as Presidential Candidate Dukakis chief economic adviser and as

a key adviser to President Clinton during the campaign.

Dr. Shapiro makes three crucial points:

First, a capital gains incentive targeted at investments in "emerging businesses would produce greater and more broadly distributed benefits." In fact, such an incentive, "far from impairing the efficiency of the capital markets, could enhance the efficiency of the allocation of American's investment capital." This is true because "when it comes to small, emerging companies, the capital markets do not provide investment resources commensurate to their rates of return * * *"

Second, emerging companies are the primary forces for new job creation, providing the basic condition for most Americans' job mobility. The study finds that "encouraging investment in new business ventures in their early years—the time when they typically can grow and best use large additional capital—should increase the levels and growth of U.S. capital spending, research and development, and the commercialization of new products and services."

Third, the study finds that "a tax preference for investment in emerging businesses passes the following test of social fairness: It would produce direct benefits mainly for affluent middle-class persons, not predominantly wealthy people, and greater indirect benefits for average-income Americans."

So, the fairness issue that helped to kill the President's proposal in 1989 and 1990 will not kill this proposal.

COMPETITIVENESS AND JOBS

We must focus on investment incentives that are necessary to help America create the jobs and meet the intense competition we face in the international marketplace.

Small firms need patient equity capital. They need a way to avoid the premiums they pay for debt capital and to avoid the credit crunch, that is hurting so many small firms.

States like Connecticut, Massachusetts, and California that are suffering with the cuts in defense spending need to rely on their entrepreneurs to take up the slack.

Unlike an investment tax credit, this incentive does not tell a small firm how to run its business. It helps small firms raise capital and then says if they have gains on the sale of the stock in the business the gains will be taxed at a lower rate. This is an incentive for gains, not an incentive that gives a preference for one type of corporate expenditure over another. It trusts that entrepreneurs will know how to make the best use of the capital they obtain from investors.

If President Clinton want to redeem his pledge to create jobs, he has only one place to turn—America's entrepreneurs and small businesses. The just issued "State of Small Business" reports that small firms with 20 or fewer employees generated 4.1 million new jobs between 1988 and 1990. During that same period firms with 20 to 499 employees lost 850,000 jobs and those with 500 or more employees lost 500,000 jobs.

NONPARTISAN

We need to enact a capital formation incentive that avoids the partisan and ideological battle between Democrats and Republicans.

I am a Democrat and I first introduced my venture capital bill in 1987, before then-Vice President Bush proposed cutting capital gains taxes. I reintroduced my venture capital bill in 1989—with strong support among Senate Democrats—and introduced my seed capital bill in 1990. Congressman PETER HOAGLAND, another Democrat, was the lead sponsor for my venture capital bill in the other body.

Then in 1991 Senator BROWN and I reintroduced the bill in the Senate and Congressmen MATSUI, MOODY, HOAGLAND and GRADISON introduced the bill in the House. In the Senate we had 48 cosponsors of the legislation, 35 of them Democrats. We had three other Members cosponsor a seed capital amendment I offered to the October tax bill, H.R. 11.

Vice President Gore was one of the cosponsors of S. 1932. Treasury Secretary Bentsen was a cosponsor of the seed capital amendment.

During the campaign President Clinton and President Bush both endorsed the seed capital incentive. This was the only capital gains provision that they both endorsed. President Clinton endorsed the venture capital incentive as well.

The media has always billed the capital gains debate as one in which Republicans and Democrats were fighting and it never reported that there were 35 Democrats in the Senate who supported my capital gains proposal in the last Congress.

So, this bill moves to overcome the partisanship that proved so divisive on the capital gains issues during the Bush Presidency.

NEW COALITION FORMED

Finally, this bill provides an opportunity to unify the high technology and traditional small business communities.

This legislation is endorsed by the American Electronics Association, the Industrial Biotechnology Association, and the National Venture Capital Association. It is also endorsed by the National Federation of Independent Business, the Small Business Legislative Council, National Small Business United, the National Association of Small Business Investment Companies, and the National Association of Investment Companies. This powerful coalition of high technology and traditional small business firms has made this legislation irresistible.

I look forward to working with the coalition on this bill and on many other legislative issues in the coming years. This is a coalition that can help America to compete in international markets.

TERMS OF THE INCENTIVE

The terms of the incentive are unchanged. It lowers the cost of capital for small enterprises by providing a 50-percent tax deduction for investors who buy and hold their small business stock for at least 5 years. The bill defines small business stock as the stock of a company with less than $100 million in aggregate capitalization. The stock must be purchased or acquired directly from the corporation issuing the stock. Trading of the stock in the secondary market is not covered.

Investors who make seed capital investments—defined as the first $5 million of paid-in capital for a company—qualify for additional deductions if they hold a stock more than 6 years. Both individual and corporate investors are covered because we need corporations to act as venture and seed capitalists just as much as we need individuals to do the same.

In addition, the bill is tightly drafted to ensure that companies cannot redeem existing stock and issue new, qualified stock; cannot divide up a larger company into many small companies that could issue qualified stock; and cannot use a "corporation" as a front for a tax shelter.

I ask unanimous consent that an outline of the bill and the antiabuse provisions incorporated in it be printed at the end of this statement.

Let me mention a related issue. For this legislation to be completely effective we need to change the alternative minimum tax. We need to permit the deduction of certain investment expenses for AMT purposes in order to avoid taxing income from venture capital investments on a gross rather than a net basis. Under current law individuals making venture capital investments become minimum taxpayers based on the gross income from their venture capital investments. The impact of this rule is particularly egregious in the case of individuals who are partners in venture capital partnerships that invest in the stock of start-up and other small enterprises, the enterprises covered by this bill. This rule should be changed in order to enable the Enterprise Capital Formation Act to revolutionize capital markets for small firms.

VENTURE AND SEED CAPITAL INVESTMENTS

The legislation seeks to make available to entrepreneurs or inventors the risk venture and seed capital they need to prove that they have an idea that can grow into a business. Without these high risk capital investments, these businesses often die for lack of capital, their products or services are never developed or tested in the mar-

ketplace, and the firms never generate the jobs and economic growth that will improve our Nation's standard of living and global competitiveness.

These are high risk seed capital investments. There is no more important capital formation in the life of a business and these are the investments we most need to encourage with a new capital formation incentive.

Venture and seed capital investments involve the highest risk and the longest holding period of any type of investment. The nascent businesses often die even when they obtain the venture and seed capital they need. If they survive, they can struggle for many years before they turn a profit. All the earnings of the business tend to be funneled back into the business for research, product development, capital expenditures, marketing, legal assistance, or other expenses.

Investors can lose their shirt with a direct venture or seed capital investment, find themselves stuck with an investment for which there is no secondary market to sell their stock, be called upon to provide all types of nonfinancial assistance to the firms' often inexperienced managers on crises that arise with the business, and wait for many years without receiving any return on their investment.

This is the American capitalist spirit at work. This is free enterprise in its classic, risk-taking form. This is frontier risk-taking. This is long-term investing. This is the American entrepreneur. This is the Horatio Alger story in the real world. This is what has made America so prosperous and free. This is the world of direct venture and seed capital investments.

Venture and seed capital investments have been the fuel that make the American dream come true. Without rekindling direct venture and seed capital investing, America will become increasingly stale and uncompetitive in the international marketplace. The future of our postwar prosperity literally depends on our investments in the future, our investments in change, in short, our venture and seed capital investments.

With so much risk involved with venture and seed capital investments, it is not surprising that the firms that have the greatest difficulty raising capital are these small, start-up firms. They stand last in line for capital, they are charged a premium for the seed capital they can obtain, and they are under constant pressure from their creditors or shareholders to show a profit.

The search for venture and seed capital and the pressure that current entrepreneurs feel to show a quick profit distracts them from the task of nurturing their business and undermines the investments in the firm that are necessary for strategic, long-term growth. At crucial times in the launching of a new business, the energy and time of the founders often are diverted to solving a financial crisis. This puts pressure on the often inexperienced managers of the firm that can be debilitating. It is not surprising that so many startup small businesses fail.

At the same time, venture and seed capital formation gives the greatest economic return to the Nation. The pace of change in the marketplace is accelerating, competition in international markets is intensifying, and the cost of risk capital in America remains among the highest in the world. In the face of these challenges, the small firms that take root and manage to grow can create whole new industries, with tens of thousands of employees and will pay hundreds of millions of dollars in Government taxes. The Nation's standard of living depends on the growth of new businesses on the cutting edge of technology and new global markets.

This means that there is no stronger public policy rationale for a capital formation incentive than for a gains incentive for venture and seed capital investments. This is what my Enterprise Capital Formation Act is all about, promoting venture and seed capital investments in America's future and creating a new seed capital industry for America.

Since the Tax Reform Act of 1986 the taxable individual investors that had backed our entrepreneurs in the past have withdrawn from actively risking their investable capital developing our emerging technologies. Our American entrepreneurs can testify that there is a dearth of early stage investors and that as a result they are starving for capital.

America's innovators have been forced to look off shore for the time critical venture and seed capital they require to emerge into the global market place. These off shore inventors are eagerly seeking our technology before it takes hold in the United States under U.S. ownership. They have a much lower cost of capital than do U.S. sources and always negotiate technology rights for their home economies, stripping America of our own future foundation of know-how upon which our children must depend for jobs and a competitive footing among global economies.

This venture and seed capital formation incentive is the needed mix of incentives to again motivate our own countries wealthiest taxpayers to take the risks that they now are avoiding. We need again to give them a justification for taking the extraordinary risk of active, direct venture and seed capital investing. This will help to ensure that America's entrepreneurs live and prosper here in America.

RHETORIC VERSES REALITY

Most of the rhetoric we have heard from those who favor restoring a capital gains differential focuses on "risk-takers," "small, growth companies," "entrepreneurs and inventors," and "competitiveness."

We hear endless stories about the brilliant entrepreneur who borrows money using his own home as collateral, who starts a computer company in his garage, who develops a technology that all the Fortune 500 companies have ignored, and who becomes a megamillionaire when his company finally goes public.

However, restoring an across-the-board capital gains differential for nearly every type of investment transaction has very little to do with this rhetoric. Most of the benefits of a broad-based capital gains differential go to transactions that have nothing to do with the brilliant entrepreneur attempting to start a company in Silicon Valley or on Route 128.

According to one detailed analysis, an across-the-board cut in capital gains tax rates mostly provides tax benefits to "sectors other than new businesses." (James Poterba, "Venture Capital and Capital Gains Taxation," in "Tax Policy and the Economy, 1989"). This conclusion is based on the fact that less than "one-quarter of realized (capital) gains reflects appreciation of common stock, and venture capital activity is only a small share of this equity component." (Id. at 63.) The pool of venture capital funds under management is "less than 1 percent of the value of U.S. equity markets." (Id.)

The flow of initial public offerings [IPO's] of new firms suggests that "the venture IPO's accounted for 0.5 percent and 0.65 percent, respectively (for 1985 and 1986), of realized (capital) gains." (Id. at 65.) "These statistics illustrate the basic fact that a subsidy to all appreciating assets, such as an across-the-board reduction in capital gains rates, largely benefits nonventure capital assets." (Id.) Such an across-the-board cut in capital gains tax rates is a "relatively blunt device for encouraging venture investments." (Id. at 48.)

By way of contrast, the venture and seed capital formation bill provide a tax incentive that is specifically targeted to form capital for entrepreneurs and inventors struggling to "grow" small start-up businesses. These are working capital investments that can create jobs, new technologies and new markets. The seed capital formation and venture capital gains bills match the capital gains rhetoric with the targeted provisions of the legislation.

I am not saying that no other types of investments should be covered by a capital gains tax incentive. I come from a State where timber is an important industry and strong arguments can be made for extending some type of a capital incentive to other, less risky classes of investments.

In terms of priorities, an incentive for venture and seed capital formation should form the core of any capital

gains considered by Congress. These forms of direct investments are the paradigm for investments that are high-risk, long-term, and growth-oriented.

When one sets priorities, it is clear that there are different types of investments, there are different degrees of risk, there are different capital formation barriers, and there are differently taxed investors. We need to match an analysis of the need for a capital formation incentive with the provisions of an incentive that meets that need to offset the risk that is associated with the investment.

In short, the capital gains issue is one that involves balancing and choices, not one that is simply a question of ones support for or opposition to a general concept. The venture and seed capital formation bill set priorities that match the capital gains rhetoric with the targeted provisions of the bills.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 368

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Enterprise Capital Formation Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to capital gains and losses) is amended by adding at the end thereof the following new section:

"SEC. 1202. EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

"(a) EXCLUSION.—

"(1) IN GENERAL.—Gross income shall not include the sum of—

"(A) 50 percent of any gain from the sale or exchange of qualified small business stock (other than seed capital stock) held for more than 5 years, plus

"(B) the amounts determined by applying the applicable percentages to the appropriate categories of gain from the sale or exchange of qualified small business stock which is seed capital stock held for more than 5 years.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage shall be computed as follows:

"In the case of:	The applicable percentage is:
5-year gain	50
6-year gain	60
7-year gain	70
8-year gain	80
9-year gain	90
10-year gain	100.

"(3) CATEGORIES OF GAIN.—

"(A) 10-YEAR GAIN.—The term '10-year gain' means gain determined by taking into account only gain from qualified small business stock with a holding period of more than 10 years at the time of the sale or exchange.

"(B) OTHER GAIN.—The terms '5-, 6-, 7-, 8-, and 9-year gain' mean the gain determined by taking into account only gain from qualified small business stock with a holding period of more than 5, 6, 7, 8, or 9 years but not more than 6, 7, 8, 9, or 10 years, respectively.

"(b) QUALIFIED SMALL BUSINESS STOCK; SEED CAPITAL STOCK.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'qualified small business stock' means any stock in a corporation which is originally issued on or after January 1, 1993, if—

"(A) as of the date of issuance, such corporation is a qualified small business, and

"(B) except as provided in subsections (e), (f), and (g), such stock is acquired by the taxpayer at its original issue (directly or through an underwriter)—

"(i) in exchange for money or other property (not including stock), or

"(ii) as compensation for services (other than services performed as an underwriter of such stock).

"(2) ACTIVE BUSINESS REQUIREMENT.—Stock in a corporation shall not be treated as qualified small business stock unless, during substantially all of the taxpayer's holding period for such stock, such corporation meets the active business requirements of subsection (d).

"(3) CERTAIN PURCHASES BY CORPORATION OF ITS OWN STOCK.—

"(A) IN GENERAL.—Stock issued by a corporation shall not be treated as qualified small business stock if such corporation has purchased or purchases any of its stock within the 2-year period beginning 1 year before the date of the issuance of such stock.

"(B) EXCEPTION WHERE BUSINESS PURPOSE.—Subparagraph (A) shall not apply where the issuing corporation establishes that there was a business purpose for the purchase of the stock and such purchase is not inconsistent with the purposes of this section. Except as provided in regulations, the preceding sentence shall not apply to any purchase which—

"(i) is part of a transaction or series of transactions in which the corporation purchases not more than 5 percent (by vote or value) of the outstanding shares of the corporation, or

"(ii) is a purchase by the corporation of convertible preferred stock of the corporation but only if such purchase is required by the terms of the stock being purchased.

"(C) MEMBERS OF AFFILIATED GROUP.—For purposes of this paragraph, the purchase of any stock of the issuing corporation by any corporation which, as of the time of the purchase, is a member of the same affiliated group (within the meaning of section 1504) as the issuing corporation shall be treated as a purchase by the issuing corporation of its stock.

"(4) SEED CAPITAL STOCK.—The term 'seed capital stock' means stock which is qualified small business stock in a qualified small business, as determined under subsection (c) by substituting '$5,000,000' for '$100,000,000' each place it appears in subsection (c)(1).

"(c) QUALIFIED SMALL BUSINESS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified small business' means any domestic corporation if—

"(A) the aggregate capitalization of such corporation (or any predecessor thereof) at all times on or after January 1, 1993, and before the issuance did not exceed $100,000,000, and

"(B) the aggregate capitalization of such corporation immediately after the issuance (determined by taking into account amounts to be received in the issuance) does not exceed $100,000,000.

"(2) AGGREGATE CAPITALIZATION.—For purposes of paragraph (1), the term 'aggregate capitalization' means the excess of—

"(A) the amount of cash and the aggregate adjusted bases of other property held by the corporation, over

"(B) the aggregate amount of the short-term indebtedness of the corporation.

For purposes of the preceding sentence, the term 'short-term indebtedness' means any indebtedness which, when incurred, did not have a term in excess of 1 year.

"(3) LOOK-THRU IN CASE OF SUBSIDIARIES.—In determining whether a corporation meets the requirements of this subsection—

"(A) stock and debt of any subsidiary (as defined in subsection (d)(4)(C)) held by such corporation shall be disregarded, and

"(B) such corporation shall be treated as holding its ratable share of the assets of such subsidiary and as being liable for its ratable share of the indebtedness of such subsidiary.

For purposes of subparagraph (B), a corporation's ratable share shall be based on its share of the total combined voting power of the stock of the subsidiary.

"(4) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning after 1993, each dollar amount contained in paragraph (1) and subsection (b)(4) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting '1992' for '1989'.

"(d) ACTIVE BUSINESS REQUIREMENT.—For purposes of this section—

"(1) IN GENERAL.—For purposes of subsection (b)(2), the requirements of this subsection are met for any period if during such period—

"(A) the corporation is engaged in the active conduct of a trade or business,

"(B) substantially all of the assets of such corporation are used in the active conduct of a trade or business, and

"(C) such corporation is an eligible corporation.

"(2) SPECIAL RULE FOR CERTAIN ACTIVITIES.—For purposes of paragraph (1), if, in connection with any future trade or business, a corporation is engaged in—

"(A) startup activities described in section 195(c)(1)(A),

"(B) activities resulting in the payment or incurring of expenditures which may be treated as research and experimental expenditures under section 174, or

"(C) activities with respect to in-house research expenses described in section 41(b)(4),

such corporation shall be treated with respect to such activities as engaged in (and assets used in such activities shall be treated as used in) the active conduct of a trade or business. Any determination under this paragraph shall be made without regard to whether a corporation has any gross income

from such activities at the time of the determination.

"(3) ELIGIBLE CORPORATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible corporation' means any domestic corporation; except that such term shall not include—

"(i) any corporation predominantly engaged in a disqualified business,

"(ii) any personal service corporation (within the meaning of section 269A(b)),

"(iii) a DISC,

"(iv) a corporation with respect to which an election under section 936 is in effect,

"(v) any regulated investment company, real estate investment trust, or REMIC,

"(vi) any cooperative, and

"(vii) in the case of a corporate shareholder, any corporation which at any time was a subsidiary (as defined in paragraph (4)(C)) of such corporate shareholder.

"(B) DISQUALIFIED BUSINESS.—The term 'disqualified business' means—

"(i) any banking, insurance, financing, or similar business,

"(ii) any farming business (other than the business of raising or harvesting trees),

"(iii) any business involving the production or extraction of products of a character with respect to which a deduction is allowable under section 613 or 613A, and

"(iv) any business of franchising or operating a hotel, motel, or restaurant or similar business.

"(4) STOCK IN OTHER CORPORATIONS.—

"(A) LOOK-THRU IN CASE OF SUBSIDIARIES.—For purposes of this subsection, stock and debt in any subsidiary corporation shall be disregarded and the parent corporation shall be deemed to own its ratable share of the subsidiary's assets, and to conduct its ratable share of the subsidiary's activities. For purposes of the preceding sentence, a corporation's ratable share shall be based on its share of the total combined voting power of the stock of the subsidiary.

"(B) PORTFOLIO STOCK OR SECURITIES.—A corporation shall be treated as failing to meet the requirements of paragraph (1) for any period during which more than 10 percent of the value of its assets consists of stock or securities in other corporations which are not subsidiaries of such corporation (other than assets described in paragraph (5)).

"(C) SUBSIDIARY.—For purposes of this paragraph, a corporation shall be considered a subsidiary if the parent corporation owns more than 50 percent of the combined voting power of all classes of stock entitled to vote, or more than 50 percent in value of all outstanding stock, of such corporation.

"(5) WORKING CAPITAL.—For purposes of paragraph (1)(B), any assets which—

"(A) are held for investment, and

"(B) are to be used to finance future research and experimentation or working capital needs of the corporation,

shall be treated as used in the active conduct of a trade or business.

"(6) MAXIMUM REAL ESTATE HOLDINGS.—A corporation shall be treated as failing to meet the requirements of paragraph (1) for any period during which more than 10 percent of the total value of its assets consists of real property which is not used (or to be used) in the active conduct of a trade or business. For purposes of the preceding sentence—

"(A) the ownership of, dealing in, or renting of real property shall not be treated as the active conduct of a trade or business; and

"(B) the total value of the assets and of any real property shall be reduced by all liabilities to which the property is subject.

"(7) COMPUTER SOFTWARE ROYALTIES.—For purposes of paragraph (1), rights to computer software which produces income described in section 543(d) shall be treated as an asset used in the active conduct of a trade or business.

"(8) EXCEPTION FOR SMALL BUSINESS INVESTMENT COMPANIES.—This subsection shall not apply to any small business investment company described in section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 682(d)).

"(e) STOCK ACQUIRED ON CONVERSION OF OTHER STOCK.—If any stock is acquired through the conversion of other stock which is qualified small business stock in the hands of the taxpayer—

"(1) the stock so acquired shall be treated as qualified small business stock in the hands of the taxpayer, and

"(2) the stock so acquired shall be treated as having been held during the period during which the converted stock was held.

"(f) SPECIAL RULES FOR WARRANTS AND CERTAIN CONVERTIBLE INVESTMENTS.—For purposes of this section—

"(1) IN GENERAL.—In the case of stock which is acquired by the taxpayer through the exercise of an applicable warrant, through the conversion of convertible debt, or in exchange for securities of the corporation in a transaction described in section 368—

"(A) such stock shall be treated as acquired by the taxpayer at original issue,

"(B) the holding period of such stock shall be treated for purposes of subsection (a) as including the period such warrant or debt was held by the taxpayer, or such security was outstanding, and

"(C) such stock shall be treated as meeting the requirements of subsection (c) if such requirements were met at the time the warrant, debt, or security was acquired by the taxpayer.

"(2) ISSUE PRICE FOR CONVERTIBLE DEBT OR SECURITY.—For purposes of subsection (c)(1), in the case of a debt instrument converted to stock, or stock issued in exchange for securities in a transaction described in section 368, such stock shall be treated as issued for an amount equal to the sum of—

"(A) the principal amount of the debt or security as of the time of the conversion or exchange, and

"(B) accrued but unpaid interest on such debt or security.

"(3) APPLICABLE WARRANT.—For purposes of this subsection, the term 'applicable warrant' means a warrant which—

"(A) was granted in connection with the performance of services for the corporation granting it (or its parent or subsidiary), and

"(B) by its terms is not transferable other than by will or the laws of descent or distribution.

"(g) SPECIAL RULE FOR OPTIONS.—

"(1) IN GENERAL.—For purposes of this section, in the case of stock which is acquired by the taxpayer through the exercise of an applicable option—

"(A) such stock shall be treated as acquired by the taxpayer at original issue,

"(B) such stock shall be treated as having been held during the period such option was held by the taxpayer, and

"(C) such stock shall be treated as meeting the requirements of subsection (c) if such requirements were met at the time the option was granted.

"(2) APPLICABLE OPTION.—For purposes of this subsection, the term 'applicable option' means an option which—

"(A) was granted in connection with the performance of services for the corporation granting it (or its parent or subsidiary), and

"(B) by its terms is not transferable other than by will or the laws of descent or distribution.

"(h) TREATMENT OF PASS-THRU ENTITIES.—

"(1) IN GENERAL.—Any amount included in income by reason of holding an interest in a pass-thru entity shall be treated as gain described in subsection (a) if such amount meets the requirements of paragraph (2).

"(2) REQUIREMENTS.—An amount meets the requirements of this paragraph if—

"(A) such amount is attributable to gain on the sale or exchange by the pass-thru entity of stock which is qualified small business stock in the hands of such entity and which was held by such entity for more than 5 years, and

"(B) such amount is includible in the gross income of the taxpayer by reason of the holding of an interest in such entity which was held by the taxpayer on the date on which such pass-thru entity acquired such stock and at all times thereafter before the disposition of such stock by such pass-thru entity.

"(3) LIMITATION BASED ON INTEREST ORIGINALLY HELD BY TAXPAYER.—Paragraph (1) shall not apply to any amount to the extent such amount exceeds the amount to which paragraph (1) would have applied if such amount were determined by reference to the interest the taxpayer held in the pass-thru entity on the date the qualified small business stock was acquired.

"(4) PASS-THRU ENTITY.—For purposes of this subsection, the term 'pass-thru entity' means—

"(A) any partnership,

"(B) any S corporation,

"(C) any regulated investment company, and

"(D) any common trust fund.

"(i) CERTAIN TAX-FREE AND OTHER TRANSFERS.—For purposes of this section—

"(1) IN GENERAL.—In the case of a transfer of stock to which this subsection applies, the transferee shall be treated as—

"(A) having acquired such stock in the same manner as the transferor, and

"(B) having held such stock during any continuous period immediately preceding the transfer during which it was held (or treated as held under this subsection) by the transferor.

"(2) TRANSFERS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any transfer—

"(A) by gift,

"(B) at death,

"(C) subject to the limitation of subsection (h)(3), from a partnership to a partner of stock with respect to which the requirements of subsection (h) are met at the time of the transfer (without regard to the 5-year holding requirement),

"(D) to the extent that the basis of the property in the hands of the transferee is determined by reference to the basis of the property in the hands of the transferor by reason of section 334(b), but only if requirements similar to the requirements of subsection (h) are met with respect to the stock,

"(E) of qualified small business stock for other qualified small business stock in a transaction described in section 351 or a reorganization described in section 368, or

"(F) as a stock distribution of qualified small business stock in a transaction not subject to tax under section 305.

"(3) CERTAIN RULES MADE APPLICABLE.—In the case of distributions or transactions described in subparagraph (E) or (F) of section 368(a)(1), rules similar to the rules of section 1244(d)(2) shall apply for purposes of this section.

"(4) INCORPORATIONS AND REORGANIZATIONS INVOLVING NONQUALIFIED STOCK.—

"(A) IN GENERAL.—In the case of a transaction described in section 351 or a reorganization described in section 368, if qualified small business stock is transferred for other stock, such transfer shall be treated as a transfer to which this subsection applies solely with respect to the person receiving such other stock.

"(B) LIMITATION.—This section shall apply to the sale or exchange of stock treated as qualified small business stock by reason of subparagraph (A) only to the extent of the gain (if any) which would have been recognized at the time of the transfer described in subparagraph (A) if section 351 or 368 had not applied at such time.

"(C) SUCCESSIVE APPLICATION.—For purposes of this paragraph, stock treated as qualified small business stock under subparagraph (A) shall be so treated for subsequent transactions or reorganizations, except that the limitation of subparagraph (B) shall be applied as of the time of the first transfer to which subparagraph (A) applied.

"(D) CONTROL TEST.—Except in the case of a transaction described in section 368, this paragraph shall apply only if, immediately after the transaction, the corporation issuing the stock owns directly or indirectly stock representing control (within the meaning of section 368(c)) of the corporation whose stock was transferred.

"(j) BASIS RULES.—

"(1) STOCK EXCHANGED FOR PROPERTY.—For purposes of this section, in the case where the taxpayer transfers property (other than money or stock) to a corporation in exchange for stock in such corporation—

"(A) such stock shall be treated as having been acquired by the taxpayer on the date of such exchange, and

"(B) the basis of such stock in the hands of the taxpayer shall in no event be less than the fair market value of the property exchanged.

Notwithstanding subparagraph (B), for purposes of subsection (c)(1), the adjusted basis to the corporation of the property received shall be the fair market value of such property at the time of the determination.

"(2) BASIS OF S CORPORATION STOCK.—For purposes of determining the amount of gain to which this section applies, the adjusted basis of stock in an S corporation shall in no event be less than its adjusted basis determined without regard to any adjustment to the basis of such stock under section 1367.

"(k) APPLICATION OF TAX INCENTIVE TO CURRENT STOCK HOLDINGS OF INVESTORS.—

"(1) IN GENERAL.—If—

"(A) a taxpayer holds any stock on December 31, 1992, which, at the time it was issued, would have been treated as qualified small business stock if such determination had been made without regard to the time such stock was issued, and

"(B) the value of such stock on December 31, 1992 exceeds its adjusted basis,

the taxpayer may elect to treat such stock as having been sold on such date for an amount equal to its value on such date (and as having been reacquired on such date for an amount equal to such value). The gain attributable to such sale shall be treated as realized and recognized or accrued (and the holding period of the reacquired stock shall be treated as beginning) on December 31, 1992. For purposes of applying this section, the requirement of subsection (b)(1) that the stock must have been issued on or after January 1, 1993, shall not apply.

"(2) ELECTION.—An election under paragraph (1) with respect to any stock shall be made in such manner as the Secretary may prescribe. Such an election, once made with respect to any stock, shall be irrevocable.

"(l) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section through split-ups or otherwise."

(b) MAXIMUM 14 PERCENT TAX RATE.—

(1) INDIVIDUALS.—Section 1(h) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A).

"(2) SPECIAL RULE WHERE TAXPAYER HAS QUALIFIED SMALL BUSINESS NET CAPITAL OR SEED CAPITAL GAIN.—

"(A) IN GENERAL.—If a taxpayer has gain for any taxable year attributable to the sale or exchange of any qualified small business stock held for more than 5 years, then the tax imposed by this section shall not exceed the lesser of—

"(i) the amount determined under paragraph (1), or

"(ii) the sum of—

"(I) the amount determined under paragraph (1) without taking into account gain or loss from qualified small business stock held for more than 5 years for purposes of subparagraphs (A) and (B) thereof, plus

"(II) 14 percent of the net capital gain determined by only taking into account such gain or loss.

"(B) DEFINITION.—For purposes of this paragraph, the term 'qualified small business stock' has the meaning given such term by section 1202."

(2) CORPORATIONS.—Section 1201(a) is amended—

(A) by inserting "or the corporation has gain from the sale or exchange of any qualified small business stock held for more than 5 years" before ", then", and

(B) by striking paragraph (2) and inserting:

"(2) a tax equal to the sum of—

"(A) 34 percent of the sum of the net capital gain, determined by not taking into account any gain or loss from the sale or exchange of any qualified small business stock held for more than 5 years, plus

"(B) 17 percent of the net capital gain determined by only taking into account such gain or loss.

For purposes of this subsection, the term 'qualified small business stock' has the meaning given such term by section 1202."

(c) MINIMUM TAX TREATMENT.—

(1) IN GENERAL.—Subsection (a) of section 57 (relating to items of tax preference) is amended by adding at the end thereof the following new paragraph:

"(8) EXCLUSION FOR GAINS ON SALE OF VENTURE CAPITAL SMALL BUSINESS STOCK.—An amount equal to the amount excluded from gross income for the taxable year under section 1202(a)(1)(A) (relating to exclusion of gain on small business stock other than seed capital stock)."

(2) CONFORMING AMENDMENT.—Subclause (II) of section 53(d)(2)(B)(ii) is amended by striking "and (6)" and inserting "(6), and (8)".

(d) LOSSES ON SMALL BUSINESS STOCK.—Section 1244(c)(3)(A) is amended by striking "$1,000,000" and inserting "$5,000,000 (adjusted at the same time and manner as under section 1202(c)(4))".

(e) CONFORMING AMENDMENTS.—

(1)(A) Section 172(d)(2) (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includable on account of gains from sales or exchanges of capital assets; and

"(B) the exclusion provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(2) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202. In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(3) Paragraph (3) of section 643(a) is amended by adding at the end thereof the following new sentence: "The exclusion under section 1202 shall not be taken into account."

(4) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211, and for purposes of section 57(a)(8)".

(5) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 and" after "except that".

(6) The table of sections for part I of subchapter P of chapter 1 is amended by adding after the item relating to section 1201 the following new item:

"Sec. 1202. Exclusion for gain from certain small business stock."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to stock issued (or treated as issued) on or after January 1, 1993.

OUTLINE: ENTERPRISE CAPITAL FORMATION ACT

Incentive for venture and seed capital investments:

Limited to high-risk, long-term, growth-oriented investments.

These are the investments that should stand first-in-line for any capital gains incentive.

Needed because of inadequate and costly capital markets for small businesses and emerging growth companies.

Incentive applies only to purchase of corporate stock:

Includes founders stock, incentive stock options, private placements, non-public offerings, and public offerings of stock.

Includes all types of stock, including common, preferred and convertible preferred stock.

Includes stock of both "C" and "S" corporations.

Encourages capital formation through equity rather than debt and helps corporations avoid the credit crunch.

Applies only to the direct purchase or acquisition of stock from a corporation:

Focuses exclusively on investments that put capital directly into the hands of entrepreneurs.

Does not apply to trading of stock in secondary markets.

Incentive focuses on start-ups and other smaller companies:

Applies to new companies raising first capital and to existing companies that need more capital to expand as well as new companies as long as their aggregate capitalization does not exceed specified limits.

Seed capital incentive—applies to stock issued by companies with $5 million or less in aggregate capitalization.

Venture capital incentive—applies to stock issued by companies with $100 million or less in aggregate capitalization.

Aggregate capitalization limits are adjusted for inflation.

Company may issue more than one round of qualified stock as long as total aggregate capitalization does not exceed specified limits.

Investors receive 50% deduction on gains on stock held for five years:

Investors in both venture and seed capital stock held for five or more years receive 50% deduction on gains—are taxed on half the gain.

Bill sets a maximum gains tax rate of 14% for taxpayers in 28% or 31% tax brackets (or proposed 36% bracket).

Maximum gains tax rate for taxpayers in 15% tax bracket is set at 7.5%.

Additional deductions and gains on seed capital investments:

Seed capital investments qualify for 60–100% deduction if held for 6–10 years.

Shareholders with losses on seed capital investments may deduct losses against ordinary income under Section 1244 (up to $50,000 per individual taxpayer).

Section 1244 currently permits ordinary losses for investments in stock of companies with $1 million or less in aggregate capitalization.

Investment incentive is available to individual and corporate taxpayers:

We want corporations to be venture and seed capital investors.

Deduction available to partners in venture capital partnerships that pool capital so that individual investors can make seed and venture capital investments:

Critically important to include partnerships and mutual fund investors so that average investor can participate in new market.

Shareholders must hold stock for at least five years to qualify for gains incentive:

Encourages patient capital that permits enterprise to reinvest earnings in firm to build for long-term growth.

Holding period for incentive stock options runs from grant, not exercise, date:

Provides incentive for productivity of employees.

Holding period is not interrupted by corporate reorganizations and other tax-free transfers of stock.

Incentive applies only to new investments:

Not retroactive to investments made before incentive goes into effect so no tax windfall.

Alternative minimum tax applies to deductions on venture capital investments but not on seed capital investments:

Low and middle income taxpayers should not take risk associated with seed capital investments except when they are the founders of a small firm.

Need to encourage wealthy taxpayers to take risk with seed investments.

Anti-evasion provisions prevent companies from redeeming stock so can issue new, qualified stock.

Company issuing stock must be an active trade or business for five years following issuance of stock—prevents tax shelters.

Bill loses modest amount of revenue and can easily be financed in context of modest sized tax bill:

Sponsors accept revenue estimate of Joint Tax Committee.

Joint Tax Committee finds that bill would lose $1 billion in revenue over six years.

This revenue loss can easily be financed in the context of the 1993 tax bill.

PROVISIONS TO PREVENT ABUSE OF ENTERPRISE CAPITAL FORMATION ACT

The Enterprise Capital Formation Act contains numerous provisions to prevent the use of its capital gains incentives in ways that are inconsistent with the purposes of the legislation. These provisions are based on suggestions from the staff of the Joint Committee on Taxation when it prepared revenue estimates on the bill in 1991, 1992 and 1993 and when the legislation was included in H.R. 4210 and H.R. 11 in 1992. The sponsors of the legislation have engaged in an intensive and continuous technical review of the legislation utilizing the services of six law and accounting firms starting in September of 1990. Among the anti-abuse provisions are the following:

1. SIZE LIMITATIONS

The tax incentive is available only to small corporations which do not exceed the $100 million venture capital and $5 million seed capital ceilings. The bill denies capital gains treatment for investments in the stock of large corporations that have been able to finance their growth by retained earnings or issuing debt (such as through a leveraged buyout) rather than raising additional equity capital. Only small corporations qualify under the bill because the $100 million and $5 million ceilings are based on the adjusted tax basis of assets (the "aggregate capitalization" of the firm) rather than only the corporation's paid-in capital. The aggregate capitalization of the firm includes retained earnings and borrowed funds, not just paid-in capital. So, a large corporation would be precluded from issuing stock that is "qualified small business stock" (or qualified "seed capital stock") respect to which the benefits provided by the bill are available.

Further, this capitalization ceiling is cumulative. A corporation issuing stock (the "Issuing Corporation") cannot issue additional qualified "small business stock" (or qualified "seed capital stock") at any time after its aggregate capitalization has exceeded the $100 million or $5 million ceilings.

Finally, an Issuing Corporation cannot evade the $100 million or $5 million ceilings by conducting its business through subsidiaries. If the Issuing Corporation owns more than 50% by vote or value of the stock of any subsidiary corporation, the Issuing Corporation's adjusted tax basis in the stock of the subsidiary (which might be low) is disregarded, and the Issuing Corporation is treated as owning directly its ratable share of the assets of that subsidiary.

EFFECT OF REDEMPTIONS

The bill is prospective in application. It applies only to investments in "qualified small business stock" (and "qualified seed capital stock") issued after the effective date set forth in the bill. It provides no benefits for the sale of stock acquired before this effective data.

To prevent an Issuing Corporation from evading this effective data limitation by redeeming its own stock and reissuing new stock after the specified effective date, the bill generally precludes "qualified small business stock" (and "qualified seed capital stock") treatment for stock issued by any corporation that has redeemed any of its outstanding stock within one year before or one year after issuing the stock in question, unless the Issuing Corporation affirmatively demonstrates that it had a business purpose for such redemptions and that this purpose is not inconsistent with the purposes of the bill.

Further, the purchase of stock of any member of an affiliated group (within the meaning of section 1504) by any other member of that affiliated group is treated as a redemption by the Issuing Corporation. In effect, an Issuing Corporation is not allowed to reduce its assets through redemptions in order to remain below the $100 million or $5 million capitalization ceilings.

3. DIVISION OF LARGER COMPANY

The bill contains several provisions to prevent a large corporation from breaking its existing businesses into separate businesses to avoid the $100 million or $5 million capitalization ceilings.

First, no corporation is entitled to capital gains treatment of the sale or other disposition of stock issued by any other corporation, if at any time, that other corporation held more than 50% of the vote or value of the stock of the Issuing Corporation.

Second, if an existing corporation transfers assets to a new subsidiary in a section 351 incorporation transaction, those assets are marked-to-market for purposes of the $100 million and $5 million capitalization ceilings as they apply to the new subsidiary, and the transferor's adjusted tax basis in those assets (which may be low) is disregarded.

The bill does not prevent any such new subsidiary from issuing "qualified small business stock" (or "qualified seed capital stock") to unrelated third-party investors, subject to the $100 million and $5 million capitalization ceilings and the other qualification requirements. Providing incentives for unrelated taxpayers to invest in the stock of an otherwise-qualifying small business is consistent with the capital formation purposes of the bill to create jobs and improves our country's competitive position by encouraging "patient capital," regardless of whether other parties who are not entitled to benefit from such tax incentives also hold equity interests in that same business.

4. ACTIVE TRADE OR BUSINESS

The bill prevents the organization of shell corporations to be used as a tax shelter. The bill provides incentives for investment only in a corporation that is engaged in the "active conduct of a trade or business" and only if "substantially all of the assets of such corporation are used in the active conduct of (that) trade or business."

An Issuing Corporation must satisfy this active trade or business requirement during substantially all of the holding period of any taxpayer claiming capital gains benefits on the disposition of otherwise-qualified stock. As a result, capital gains incentives are not

available for investments in passive investment companies.

An Issuing Corporation fails to meet the active trade or business requirement if more than 10% by value of its assets consist of assets that are not used in the active conduct of a trade or business. For this purpose, (a) stock of any other corporation is treated as a non-business asset unless the Issuing Corporation owns more than 50% by vote or value of the stock of the other corporation, and (b) an Issuing Corporation is treated as owning its ratable share of the assets, and conducting directly the business, of any such 50%-owned subsidiary.

Under the bill, the owning of, dealing in or rental of real estate is not treated as engaging in the conduct of an active trade or business.

Corporations may satisfy the active trade or business requirement, however, if they are engaged in start-up activities with respect to a future trade or business, or if they incur research and experimentation expenditures in connection with such a future business, even though they have not yet realized any business income.

5. INCORPORATION OF EXISTING PROPRIETORSHIPS AND PARTNERSHIPS

As noted above, if taxpayers transfer assets to a corporation in a section 351 transaction, the new corporation does not treat those assets as having a "carryover" basis equal generally to that of the transferors for purposes of the $100 million and $5 million capitalization ceilings; rather, those assets are marked-to-market for this purpose. This provision prevents corporations that receive contributions of appreciated assets in otherwise tax-free incorporations from ignoring that appreciation in determining whether the capitalization ceilings have been exceeded.

6. TAX BENEFIT TRANSFER LIMITATIONS

The provisions of the bill preventing taxpayers from transferring tax benefits when they transfer qualified small business (or seed capital) stock are critical to preventing tax shelter abuses.

In general, otherwise-qualified stock must be acquired by that taxpayer directly from the Issuing Corporation at its original issue in exchange for cash or, in certain circumstances, services. Further, the tax benefits provided by the bill are available in most cases only to the initial acquiror of such stock, and only in certain situations that are not likely to result in tax shelter abuses can such stock be transferred with the associated tax benefits intact for the transferee.

If an individual acquires qualified small business stock from an Issuing Corporation, the individual can transfer the stock, with the associated tax benefits intact, only by gift or at death.

If a partnership acquires "qualified small business stock" (or "qualified seed capital stock") from an Issuing Corporation, that stock can be distributed by the partnership, with the associated tax benefits intact, only to those taxpayers who (directly, or through other flow-through entities) held beneficial interests in that stock at the time of its acquisition by the partnership, and only to the extent of their respective beneficial interests at that time, without regard to later increases in any such taxpayer's beneficial interest in the partnership itself.

If any taxpayer acquires "qualified small business stock" (or "qualified seed capital stock") from an Issuing Corporation and later exchanges that stock ("old stock") for other stock ("new stock") in a section 351 incorporation or a section 368 reorganization, and the new stock would not otherwise constitute qualified small business stock, the new stock is treated as "qualified small business stock" (or "qualified seed capital stock") only to the extent of any unrealized appreciation in the old stock at the time of the exchange. This prevents, for example, a taxpayer whose small, closely-held corporation is acquired by a large publicly-held corporation in a tax-free merger from obtaining capital gains benefits with respect to appreciation in the public company's stock occurring after the merger.

In addition, any transferee corporation receiving "qualified small business stock" (or "qualified seed capital stock") in a section 351 or 368 transaction is not entitled to the benefits provided by the bill when the recipient later disposes of that stock. Only the transferor of that stock is entitled to "carryover" tax benefits.

Finally, similar safeguards are provided with respect to compensatory stock options and convertible debt. The bill allows favorable capital gains treatment for stock acquired upon exercise of an option granted in connection with the performance of services only if the Issuing Corporation satisfied the requirements set forth in the bill as of the date that option was issued and that option by its terms is not transferable other than by will or the laws of descent or distribution. (Stock acquired on the exercise of other options or warrants qualifies only if, as of the date of exercise, the requirements of the bill are satisfied.) Stock acquired on conversion of convertible debt of an Issuing Corporation qualifies for favorable capital gains treatment if, when the debt was issued, the Issuing Corporation satisfied the requirements of the bill and the initial holder does not transfer the convertible debt or stock obtained on conversion.

7. ALTERNATIVE MINIMUM TAX

The exclusion from gross income for gain realized on the disposition of "qualified small business stock" (but not "qualified seed capital stock") constitutes an item of tax preference for alternative minimum tax purposes. This ensures that taxpayers generally will not be able to avoid all tax liability that, absent the bill, they would incur when they dispose of qualified small business stock.•

• Mr. BROWN. Mr. President, today Senator BUMPERS and I are reintroducing our Enterprise Capital Formation Act for the 103d Congress. The purpose of this bill is to create jobs by encouraging long-term investment in small businesses.

The bill being introduced today is nearly identical to the one we introduced last Congress, which was cosponsored by 46 other Senators. It has already been endorsed for this 103d Congress by the National Federation of Independent Businesses [NFIB], National Venture Capital Association [NVCA], the American Electronics Association [AEA], and the Industrial Biotechnology Association [IBA].

The Enterprise Capital Formation Act [ECFA] would provide that the first $5 million raised by the company, with less than $100 million of aggregate capital, be treated as seed capital and the first $100 million be treated as venture capital. Seed and venture capital gains earned after a 5 year holding period would be eligible for a 50-percent exclusion. Seed capital investments would be entitled to an additional 10-percent exclusion for each year beyond the 5 years. These apply to both individuals and corporations.

The seed capital portion of our bill was passed by the Senate last year, but not enacted.

Investment in the United States is subject to one of the most discouraging tax systems in the world. A capital gains tax exclusion will encourage the risk-taking and entrepreneurship necessary to create increased employment and help make America more competitive in the world economy. The incentives provided in this bill are key if the United States is to preserve a competitive edge over other nations. Small businesses, which are the backbone of economy and provide the most jobs, ironically have the hardest time raising capital. Our tax code must encourage, not discourage, investment if the United States is to remain competitive.

Our bill also includes antiabuse provisions to ensure only new stock is covered. Specifically, the language prohibits companies from reissuing old stock as new, dividing up larger companies into smaller companies that could then issue qualified stock, and setting up shell corporations as a tax shelter.

The Joint Committee on Taxation [JCT] has calculated that, in a static environment assuming no change in investor behavior, this bill will lose Federal revenue over the course of 5 years. I believe, however, that these incentives will result in a change in investment behavior and increase Federal revenue.

Recent statistics have shown improvements in U.S. economic growth, but not a corresponding increase in new jobs created. The United States needs long-term, growth-oriented investment incentives to create initial capital necessary for new businesses and new jobs. Congress can help best by providing incentives where we need them most—in over 5 million small- and mid-sized businesses that have been responsible for over half of the new jobs created since 1980.•

• Mrs. FEINSTEIN. Mr. President, I rise today in support of the Enterprise Capital Formation Act and to echo what has been said in this Chamber regarding the drastic need to promote long-term investments in small and expanding companies.

This legislation is not new. Senator BUMPERS has been advocating this legislation for some time now. Parts of this bill were incorporated in the tax bills Congress passed last year and which President Bush vetoed.

Mr. President, I believe this bill will encourage the flow of capital to a dynamic sector of our economy—new and expanding businesses. To encourage investments in this sector, this bill

would target capital gains tax reductions in providing a 50-percent capital gains tax cut for investments held in a small business for 5 years, and a 100-percent exclusion for investments held for 10 years. The bill promotes patient capital by encouraging investors to hold onto the stock for 5 years or longer in order receive any benefits. It would stimulate direct investment in new and expanding businesses by requiring the investor to purchase the stock directly from the company, not the secondary market. This way the capital goes directly to the entrepreneur, not the middleman. Most important to me, Mr. President, this bill encourages investors to make needed investments in startup companies; the same companies that suffered from the credit crunch and are in need of capital.

Small businesses have traditionally generated much of the economic growth and new jobs in the Nation. According to the Small Business Administration, small businesses created 100 percent of the net new jobs in California from 1988 through 1990. One hundred percent. Of the 733,755 businesses established in California in 1989, small businesses owned 93.4 percent. These figures underscore the importance of the small business sector in California.

However, Mr. President, things are not all that rosy in California. We lead the Nation in bankruptcies and had a 33-percent increase in business failures in 1992. New business incorporation in California fell by 6.9 percent between 1990 and 1991. Small businesses need capital. This is especially true for California's high-technology industry. I believe the Enterprise Capital Formation Act will stimulate investments in one of the most productive and dynamic sectors of the economy—our small and expanding new businesses. I urge my colleagues to support this bill.

Mr. President, I yield the floor.●

By Mr. DURENBERGER:

S. 369. A bill to suspend until January 1, 1995, the duty on certain ceramic ferrules and sleeves; to the Committee on Finance.

DUTY SUSPENSION FOR CERTAIN CERAMIC FERRULES AND SLEEVES

● Mr. DURENBERGER. Mr. President, today I am introducing legislation which would suspend the duties on certain ceramic ferrules and sleeves until January 1, 1995.

The 3M Corp., which is based in Minnesota, produces fiber optic connectors used primarily in the telecommunications industry. A key component of the connectors is a ceramic ferrule which is a tubular object with an inside diameter precisely sized to accommodate a single optical fiber. The sleeve is a larger tube, open on one side, to hold the ferrule in place.

3M imports these items from Japan, and their cost, at $1.75 each, is a large portion of the total cost of the connector. The relatively high duty rate of 8 percent constitutes a cost of component that makes the completed connector's total cost so high that normal profitability is difficult to attain—and this jeopardizes American jobs.

There are nine U.S. importers of the ferrules and sleeves and annual imports are now approximately $22 million. The items are not made anywhere in the United States.●

By Mr. DURENBERGER:

S. 370. A bill to suspend until January 1, 1995, the duty on certain internally lighted ceramic and porcelain miniatures of cottages, houses, churches, and other buildings and associated accessories and figurines; to the Committee on Finance.

DUTY SUSPENSION ON CERTAIN INTERNALLY LIGHTED CERAMIC AND PORCELAIN MINIATURES

● Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend until January 1, 1995, the duty imposed on internally lighted porcelain or ceramic miniature buildings and structures which are designed and sold primarily for display during the Christmas holiday season. This duty suspension would be applicable but not limited to, cottages, houses, and churches and associated porcelain or ceramic miniature figures depicting people, animals, or other objects.

There is no American producer of Christmas houses comparable to these articles; no American will lose his or her job or be otherwise adversely affected by this legislation. Yet, those that will benefit will be the many American consumers who buy the ceramic or porcelain Christmas pieces each year. Plus, more than 100 employees of the company that designs and imports the Christmas houses will benefit from steady growth through expanded sales.

Mr. President, this legislation is very specific. It will not let into the United States every ceramic or porcelain product made abroad; it will not create a huge hole in our tariff system. Only those articles that are miniatures of buildings, lighted, and intended for display during the Christmas holiday season will be eligible for duty-free treatment under this bill.

The primary designer and distributor of these products is a constituent of mine, Department 56, located in Eden Prairie, MN. This small, but growing company pays a significant duty on the porcelain and ceramic Christmas houses it brings into the United States. Because of an arbitrary Customs Service decision, however, the amount of the duty the company must pay for a product which is only commercially produced outside of the United States—will go up.

Let me make one thing very clear, Mr. President, the Christmas houses imported by Department 56 are festive and seasonal in nature. The Department 56 Christmas houses are primarily designed for and advertised as products to be displayed during the Christmas holiday season. The collections which Department 56 sells have Christmas themes, such as the North Pole collection and the Alpine Village. The Christmas houses are seldom, if ever, used year-round by the consumer. Instead, they are like Christmas ornaments or nativity scenes; they are taken out each Christmas, set on a table or mantle and admired. Then, once the season is over, the houses are packed away, not to be seen, until the next Christmas. In a very real sense, Department 56's Christmas houses can be considered secular nativity scenes.

Thus, Mr. President, believing that the consumer and the American designer and importer will be benefited and no American job adversely affected, I introduce this legislation and urge its favorable consideration by my colleagues.●

By Mr. DODD (for himself, Mr. D'AMATO and Mr. KERRY):

S. 371. A bill to provide for interstate banking and branching; to the Committee on Banking, Housing, and Urban Affairs.

INTERSTATE BANKING AND BRANCHING ACT OF 1993

● Mr. DODD. Mr. President, 11 short days ago, President Clinton signed the Family and Medical Leave Act into law. For 7 years, many of us fought for this legislation because we believed that working Americans should not be forced to choose between their jobs and their families. Now, finally, that measure is law.

The Family and Medical Leave Act shows what we can accomplish when we make cooperation, not gridlock, the order of the day. The bill is now law because Democrats and Republicans came together to make it so. It is law because Congress and the President stopped pointing fingers, and started joining hands to move the Nation forward.

That same spirit of cooperation must guide us as we tackle other difficult issues in the weeks and months ahead. The major items on the agenda are clear: We must pass legislation to create jobs. We must overhaul our health care system to control costs and cover the millions of Americans currently without health insurance. And for the sake of future generations, we must reduce the deficit.

Tomorrow night, the Senate will join the House of Representatives in the House Chamber, to receive President Clinton's State of the Union Address. The President will offer us his proposals to create jobs, reduce the deficit, and build a better foundation for our Nation's future.

If we are to succeed in reinvigorating our Nation, each of us in Congress

must respond in kind. We must offer up our own ideas for moving the country forward. We must raise the issues our constituents are concerned about. And we must put forward proposed solutions for all, the administration included, to consider.

Mr. President, I rise today to help begin that dialog. In a narrow sense, I rise to introduce interstate banking and branching legislation that is cosponsored by the distinguished ranking member of the Banking Committee, Senator D'AMATO, and by Senator KERRY of Massachusetts. In a more general sense, I rise to speak of the real concerns I hear every day I am home in Connecticut: the loss of jobs, and the credit crunch which hamstring economic recovery.

Over the past several weeks, Americans have heard some welcome news about the Nation's overall, economy: it grew by 3.8 percent in the fourth quarter of 1992; the Congressional Budget Office forecasts further growth of 3 percent in 1993 and 1994; orders for durable goods climbed by 9.1 percent and the leading economic indicators rose by 1.9 percent in December; unemployment has dipped slightly, to 7.1 percent.

Sadly, Mr. President, reality belies the statistics. Millions of Americans still wait in the unemployment lines, because the uptick has not generated enough jobs. We are currently 3 million jobs behind the norm for employment creation during postwar economic recoveries.

New England has been particularly hard hit. Consumer confidence has risen slightly in recent months, but the overall mood is still dark, and no wonder. In Connecticut, the recession has claimed one of every eight jobs over the past 4 years, for a total of 205,000. The number is still climbing. And late last month, Pratt & Whitney, one of Connecticut's biggest employers, announced 6,700 more layoffs.

This is why the economic stimulus package President Clinton will announce tomorrow night is urgently needed. More money for roads, bridges, education, and other key aspects of our infrastructure will put people back to work and give them renewed hope for a better future. But we need action on other fronts as well.

Every day I am home in Connecticut, I read and hear a litany of complaints about the credit crunch. Most recently, 60.4 percent of all businesses responding to a Connecticut business and industry association survey reported credit availability problems in their industries.

Plenty of anecdotal evidence comes my way as well. I hear of case after case in which solid, profitable businesses cannot get the funds they need to expand and hire new workers. I hear of instances in which unavailability of credit has forced firms into bankruptcy.

Mr. President, the true casualties of the credit crunch are not Fortune 500 companies; they are real people. They are construction workers and sales clerks; laborers; small business owners; and men and women on the assembly lines.

These are the people left out in the cold when small businesses cannot get the credit they need to expand and create new jobs. These are the people whose careers, whose homes, and whose way of life are in jeopardy.

Regrettably, there is no panacea for the credit crunch. It will not be cured with a speech, or by enactment of some silver bullet bill. In fact, the credit crunch results from the confluence of many factors, and will not end overnight.

There are things we can do to ease the credit pressures on small businesses, however.

We can begin by enacting the interstate banking and branching bill I am introducing today.

When Maine enacted the Nation's first interstate banking law in 1975, its goal was to infuse credit into its capital-starved economy; 47 States have since followed Maine's lead, and Connecticut and others have found that interstate banking can indeed attract banks with money to lend. They have also found that interstate banking promotes geographically diverse lending, and regional downturns are less likely to weaken banks with such geographically broad portfolios.

Yet outdated Federal laws still require banks to establish separate legal entities in each State in which they do business, with the result that hundreds of millions of dollars are wasted each year on duplicate boards of directors, regulatory reports, and legal terms. The interstate branching bill I am introducing today will enable banks to eliminate this duplication and waste, and every dollar saved is a dollar that can be used to make loans and reduce the credit squeeze.

We should expand the Small Business Administration's 7(a) Loan Guarantee Program. As the credit crunch has tightened its grip, demand for this program has exploded, and no wonder. Small businesses previously turned down by banks find they can get a loan if they can obtain an SBA 7(a) guarantee.

This is a cost-effective program: $45 million in Federal money generates $1 billion in loans. But the SBA has shut it down once already, in December, because it ran out of funds. It will do so again in the next few weeks unless we invest more money in the program.

We should move ahead with the Small Business Capital Access program, legislation which Senator LIEBERMAN will soon introduce along with myself and other colleagues. A similar program is already making a difference in Michigan, where more than $50 million in loans have been made to more than 1,000 companies over the past 6 years.

The sum of $50 million Federal funding would generate $1 billion in additional loans, and the program is a model public-private partnership. It would bring borrowers, lenders, and State and Federal Governments together to establish loan loss reserves at banks, which in turn will enable banks to make loans to businesses otherwise unable to obtain credit.

We should enact the Small Business Incentive Act, which I will reintroduce later this week.

Our Nation has the strongest and most liquid securities markets in the world. Regrettably, many smaller businesses are currently shut out by overly burdensome filing and disclosure rules which require armies of expensive lawyers to comply with The Small Business Incentive Act would simplify legal requirements and cut red tape for smaller companies, yielding them greater access to the securities markets for capital.

We must look for ways to spur development of a secondary market in small business loans.

For most home buyers, development of a secondary market for home mortgages has meant greater availability of mortgages at better terms. Small businesses would reap similar benefits if an analogous secondary market for commercial loans is established. The Resolution Trust Corporation's securitization of commercial mortgages points in the right direction, and while there are considerable challenges, I would hope we could move toward this goal.

Mr. President, some of these ideas were embraced by President Clinton during his campaign last year. He spoke of securitization of small business loans, and indicated his support for the Small Business Incentive Act.

I would hope the administration will join us in moving forward on those initiatives; I would also hope the administration will consider supporting interstate branching legislation, expansion of the SBA 7(a) program, and enactment of the small business capital access proposal.

We can make a difference on the credit crunch if we work together. If we maintain the spirit of cooperation between Democrats and Republicans and between Congress and the President that led to enactment of family leave, and if we set to work on the agenda I have outlined, we can make real headway. For every step forward we take, it is thousands of real people—small business owners, sales clerks, and assembly line workers—who will be the real winners.

Mr. President, these same people also stand to win the sooner we move forward to modernize Federal laws governing financial services.

Strong financial services industries are a critical underpinning of our Na-

tion's economy. Banks in particular continue to be the major sources of credit for small and medium-sized businesses, and the largest U.S. banks provide important services around the world for American companies doing business abroad.

Most of our major Federal laws governing the products banks can offer, and the places they can do business, are products of the 1920's, 1930's, and 1950's. In the interim, technological advances and the development of new products have revolutionized the world of financial services and dramatically increased competition, to the benefit of consumers and businesses alike.

These changes have broken down the once well-defined categories of financial service providers. American Express, Prudential, and Merrill Lynch now offer banking services. GE Capital has become one of the Nation's leading lenders to business. Ford and GM originate mortgages. Sears, Ford, ITT, and other commercial firms have purchased thrifts.

The result is that banks have lost the dominant role they once enjoyed in the financial services industry. In 1946, they held 57 percent of the assets of all U.S. financial institutions, but by 1985 that figures had dropped to 33 percent.

Unfortunately, these outmoded Federal laws tilt the playing field against banks. These days, if you're a retailer, you can be a bank. If you're an automaker, you can be a bank, if you're a securities firm, you can be a bank. But if you're a bank, you can't be a retailer or an automaker or a securities firm. All you can be is a bank. It is very difficult for banks to play their vital role in our economy so long as the deck stays stacked against them.

This is why I have long supported legislation to allow banks to expand their product lines and their places of business. This is why I first introduced interstate banking legislation in 1990, for example. U.S. banks are different from virtually every other American industry and from their counterparts in other industrialized nations because they are prevented from freely pursuing business opportunities nationwide.

This is why I also support repeal of Glass-Steagall, so that U.S. banks might once again be allowed to affiliate with securities firms. Banks can take advantage of synergies by making loans and offering investment banking services together, and I think we can build sufficient firewalls to protect the insured portion of a bank from riskier activities.

My preference is for banks to affiliate with other types of financial service providers through a narrow bank approach. Under that scheme, federally insured deposits support only very safe, highly liquid investments, with banks free to offer other financial services through separately capitalized subsidiaries.

I have introduced narrow bank legislation in past Congresses, and in 1991, a similar proposal by Congressman SCHUMER made headway in the House of Representatives. I hope President Clinton and my colleagues will consider initiatives along these lines during the 103d Congress.

As we look at financial modernization legislation, we should also work to close egregious loopholes that have developed in the interpretation of Federal laws. Conducting a nationwide insurance agency business out of a bank branch in a small town, for example, is a gross abuse of the law, and this and other loopholes banks have used to engage in insurance agency activities should be closed.

Mr. President, if we do move forward and modernize our Nation's banking laws, we will inject new competition into our financial services industry. Consumers will win because they will benefit from a wider array of services. Small business owners and stock clerks and men and women on the assembly lines will also win, because stronger banks are less likely to shut their credit windows during tough times.

To return to my opening theme, we have already seen this year that the Nation can make progress when all of us in Government join hands and move forward together. We have loosened the grip of gridlock by enacting landmark family leave legislation.

We must build upon that achievement. We must receive the President's proposals tomorrow night in a spirit of cooperation, not confrontation. We must work together to create jobs, reform health care, and reduce the budget deficit. And we must have an ongoing dialog regarding the other challenges that face our Nation.

I believe the agenda I have laid out is a good starting point. I believe the Nation will be better off if we attack the credit crunch, modernize our banking laws, and close loopholes. I ask the administration to consider these proposals, and to work with Congress on these issues in the weeks and months ahead. The people of Connecticut and the rest of the Nation expect and deserve nothing less.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, and that a statement by the distinguished Senator from New York [Mr. D'AMATO], also be included in the RECORD at the appropriate place.

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

S. 371

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 "Interstate Banking and Branching Act of 1993".

SEC. 2. INTERSTATE BANKING.

(a) IN GENERAL.—Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended—

(1) by striking "(d) Notwithstanding any other provision of this section, no" and inserting the following:

"(d) STATE BOUNDARIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no"; and

(2) by adding at the end the following:

"(2) APPROVALS AUTHORIZED.—

"(A) ACQUISITION OF EXISTING BANKS.—Beginning 1 year after the date of enactment of the Interstate Banking and Branching Act of 1993, the Board may approve an application under this section which will permit a bank holding company that is adequately capitalized and adequately managed, or a subsidiary thereof, to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of a bank located outside the State in which the operations of such bank holding company's banking subsidiaries were principally conducted on July 1, 1966, or the date on which such company became a bank holding company, whichever is later.

"(B) ESTABLISHMENT OF NEW BANKS.—Beginning 2 years after the date of enactment of the Interstate Banking and Branching Act of 1993, the Board may approve an application under this section which will permit a bank holding company that is adequately capitalized and adequately managed, or a subsidiary thereof, to charter and acquire any voting shares of, interest in, or all or substantially all of the assets of any new bank to be located outside the State in which the operations of such bank holding company's banking subsidiaries were principally conducted on July 1, 1966, or the date on which such company became a bank holding company, whichever is later.

"(C) 'NEW BANK' EXCEPTION.—For purposes of this paragraph, a bank that does not open for business and has been chartered solely for the purpose of acquiring all or substantially all of the assets of an existing bank shall not be deemed to be a new bank.

"(3) CONCENTRATION LIMITS.—The Board may not approve an application under paragraph (2)(A) if—

"(A) the applicant controls, or upon completion of the acquisition would control, more than 10 percent of the insured depository institution assets of the United States, as determined under regulations of the Board; or

"(B) the applicant controls, or upon completion of the acquisition would control, 30 percent or more of the insured depository institution deposits in the State in which the bank to be acquired is located, as determined under regulations of the Board, except that such a State may waive the applicability of this subparagraph.

Nothing in this paragraph affects the applicability of Federal antitrust laws or of State antitrust laws that do not discriminate against out-of-State bank holding companies.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'adequately capitalized' has the same meaning as in section 38(b) of the Federal Deposit Insurance Act; and

"(B) the term 'insured depository institution' has the same meaning as in section 3 of that Act.".

(b) CONVERSION OF BANKS TO BRANCHES.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end the following new subsection:

"(h) INTERSTATE COMBINATION.—

"(1) IN GENERAL.—Beginning 18 months after the date of enactment of the Interstate Banking and Branching Act of 1993, a bank

holding company having subsidiary banks located in more than 1 State may combine 2 or more of such banks into a single bank by means of merger, consolidation, or other transaction, except that a bank may not be so combined or remain so combined if it is located in a State that has elected to prohibit out-of-State banks from establishing and acquiring branches in that State. Notwithstanding the exception in the preceding sentence, a bank holding company may engage in such a combination on or after the date of enactment of this subsection if the holding company is undercapitalized and the transaction is approved as part of a capital restoration plan described in paragraph (2)(B).

"(2) APPLICABILITY.—Paragraph (1) applies only in the case of a merger, consolidation, or other transaction that is undertaken—

"(A) by a bank holding company that is adequately capitalized, as defined in section 38 of the Federal Deposit Insurance Act; or

"(B) in connection with a comprehensive capital restoration plan under section 38 of the Federal Deposit Insurance Act that contains at least 1 element in addition to the merger, consolidation, or other transaction described in paragraph (1).

"(3) INTRASTATE BRANCHING.—Nothing in paragraph (1) shall be deemed to authorize—

"(A) a national bank to operate branches at locations in a State unless a national bank having offices only in such State could operate its main office or branches at such locations; or

"(B) a State bank to operate branches at locations in a State unless a State bank having branches only in such State could operate its main office or branches at such locations.".

SEC. 3. INTERSTATE BRANCHING BY NATIONAL BANKS.

Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

"(d) INTERSTATE BRANCHING BY NATIONAL BANKS.—

"(1) IN GENERAL.—

"(A) APPROVALS AUTHORIZED.—Beginning 3 years after the date of enactment of the Interstate Banking and Branching Act of 1993, the Comptroller of the Currency may approve an application under this section which will permit a national bank that is adequately capitalized and adequately managed to establish or acquire and operate a branch located outside the State in which the main office of such bank is located.

"(B) CONDITIONS.—In determining whether to grant approval under subparagraph (A), the Comptroller of the Currency shall consider the bank's rating under the Community Reinvestment Act of 1977 and the views of the appropriate State bank officials regarding the bank's compliance with applicable State community reinvestment laws.

"(C) APPLICABLE LAW.—

"(i) IN GENERAL.—Any branch of a national bank that is established in accordance with this subsection shall be subject to the laws of the host State with respect to intrastate branching, consumer protection, fair lending, and community reinvestment as if it were a branch of a national bank having its main office in that State. Nothing contained in this subsection in any way affects, limits, impairs, or precludes the right of any State or political subdivision of a State to impose a nondiscriminatory franchise tax or other nonproperty tax instead of a franchise tax as provided by section 3124 of title 31, United States Code.

"(ii) FILING REQUIREMENT.—A host State may require any national bank that has its main office in another State that wishes to establish a branch within the host State to comply with filing requirements that are not discriminatory in nature and that are similar in their effect to those that are imposed on a corporation from another State that is not engaged in the business of banking and that seeks to engage in business in the host State. The host State may preclude any national bank, the main office of which is located in another State, from establishing or operating a branch within the host State if that national bank or its branch materially fails to comply with the filing requirements.

"(2) STATE ELECTION TO PROHIBIT INTERSTATE BRANCHING.—

"(A) IN GENERAL.—The provisions of paragraph (1) shall not apply to branches to be located in a State which has enacted, during the period beginning on January 1, 1990, and ending on the expiration of 3 years after the date of enactment of the Interstate Banking and Branching Act of 1993, a law that applies equally to national and State banks and that expressly prohibits all out-of-State banks from establishing or acquiring branches located in that State.

"(B) EFFECT OF PROHIBITION.—A national bank that has its main office in a State that has in effect a prohibition described in subparagraph (A) may not acquire or establish a branch located in any other State under the provisions of this subsection.

"(3) STATE ELECTION TO PERMIT INTERSTATE BRANCHING.—

"(A) DURING THE THREE-YEAR PERIOD FOLLOWING ENACTMENT.—The Comptroller of the Currency may approve an application under paragraph (1)(A) before the expiration of the 3-year period described in paragraph (1)(A), if the State in which the branch will be located enacts a law during that period expressly permitting interstate branching by all out-of-State national and State banks before the expiration of that period. A State that enacts a law described in the preceding sentence—

"(i) may prohibit interstate de novo branching during the 5-year period beginning on the date of enactment of the Interstate Banking and Branching Act of 1993;

"(ii) may require a copy of an application submitted under this section to be filed with the host State banking authority in a timely manner (and the Comptroller of the Currency shall consider any timely comments of the host State prior to approving that application); and

"(iii) may impose other conditions on an incoming branch if—

"(I) the conditions do not discriminate against out of State banks or bank holding companies; and

"(II) the imposition of the conditions is not preempted by Federal law regarding the same subject.

"(B) AFTER THE THREE-YEAR PERIOD FOLLOWING ENACTMENT.—A State that originally elects, pursuant to paragraph (2), to prohibit interstate branching may nonetheless elect at any later time to permit interstate branching if such State enacts a law expressly permitting interstate branching by all out-of-State national and State banks.

"(4) CONCENTRATION LIMITS.—

"(A) IN GENERAL.—The Comptroller of the Currency may not approve an acquisition under paragraph (1)(A) by a bank of a branch located in another State if—

"(i) the bank controls, or upon completion of the acquisition would control, more than 10 percent of the insured depository institution assets of the United States, as determined under regulations of the Board of Governors of the Federal Reserve System; or

"(ii) the bank controls, or upon completion of the acquisition would control, 30 percent or more of the insured depository institution deposits in the State in which the branch to be acquired is located, as determined under regulations of the Board of Governors of the Federal Reserve System, except that a State may waive the applicability of this clause.

"(B) LIMITATIONS.—Nothing in subparagraph (A)—

"(i) affects the applicability of Federal antitrust laws or of State antitrust laws that do not discriminate against out-of-State banks or bank holding companies; or

"(ii) applies to the establishment of new branches located outside the State where the main office of the bank is located.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'adequately capitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act;

"(B) the term 'host State' means the State in which a national bank establishes or maintains a branch, other than the State in which the bank has its main office and is engaging in the business of banking; and

"(C) the term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.".

SEC. 4. INTERSTATE BRANCHING BY STATE BANKS.

Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended by adding at the end the following:

"(3) INTERSTATE BRANCHING BY STATE BANKS.—Beginning 3 years after the date of enactment of the Interstate Banking and Branching Act of 1993, an insured State bank that is adequately capitalized and adequately managed may establish or acquire and operate a branch located outside the State in which the bank is chartered if such action—

"(A) is authorized by the law of the State in which the bank is chartered; and

"(B) is not prohibited under paragraph (5) or is permitted under paragraph (6), by the host State.

"(4) APPLICABLE LAW.—

"(A) IN GENERAL.—Any branch of a State-chartered bank, that is established in accordance with this subsection shall be subject to the laws of the host State with respect to intrastate branching, consumer protection, fair lending, and community reinvestment as if it were a branch of a bank chartered under the laws of that State and having offices only in such State. Nothing contained in this subsection in any way affects, limits, impairs, or precludes the right of any State or political subdivision of a State to impose a nondiscriminatory franchise tax or other nonproperty tax instead of a franchise tax as provided by section 3124 of title 31, United States Code.

"(B) ACTIVITIES OF BRANCHES.—An insured State bank that establishes a branch or branches in accordance with paragraph (3) may not conduct any activity at such branch that is not permissible for a bank chartered by the host State.

"(C) FILING REQUIREMENT.—A host State may require any bank chartered by another State that wishes to establish a branch within the host State to comply with filing requirements that are not discriminatory in nature and that are similar in their effect to

those that are imposed on a corporation from another State that is not engaged in the business of banking and that seeks to engage in business in the host State. The host State may preclude any State bank chartered by another State from establishing or operating a branch within the host State if that State bank or its branch materially fails to comply with the filing requirements.

"(D) RESERVATION OF CERTAIN RIGHTS TO STATES.—Nothing in this subsection limits in any way the right of a State to—

"(i) determine the authority of State banks chartered in that State to establish and maintain branches; or

"(ii) supervise, regulate, and examine State banks chartered by that State.

"(5) STATE ELECTION TO PROHIBIT INTERSTATE BRANCHING.—

"(A) IN GENERAL.—The provisions of paragraph (3) shall not apply to branches to be located in a State which has enacted, during the period beginning on January 1, 1990, and ending on the expiration of 3 years after the date of enactment of the Interstate Banking and Branching Act of 1993, a law that applies equally to national and State banks and that expressly prohibits all out-of-State banks from establishing or acquiring branches located in that State.

"(B) EFFECT OF PROHIBITION.—A State bank that is chartered by a State that has in effect a prohibition described in subparagraph (A) may not acquire or establish a branch located in any other State.

"(6) STATE ELECTION TO PERMIT INTERSTATE BRANCHING.—

"(A) DURING THE THREE-YEAR PERIOD FOLLOWING ENACTMENT.—A State bank may establish or acquire, and operate, a branch outside the State in which the main office of the bank is located, subject to the provisions of this subsection, before the expiration of the 3-year period described in paragraph (3), if the State in which the branch will be located enacts a law during that period expressly permitting interstate branching by all national and State banks before the expiration of that period. A State that enacts such a law—

"(i) may prohibit interstate de novo branching during the 5-year period beginning on the date of enactment of the Interstate Banking and Branching Act of 1993;

"(ii) may require a copy of an application submitted under this section to be filed with the host State banking authority in a timely manner (and the home State banking authority and the appropriate Federal banking agency shall consider any timely comments of the host State prior to approving that application); and

"(iii) may impose other conditions on an incoming branch if—

"(I) the conditions do not discriminate against out of State banks or bank holding companies; and

"(II) the imposition of the conditions is not preempted by Federal law regarding the same subject.

"(B) AFTER THE THREE-YEAR PERIOD FOLLOWING ENACTMENT.—A State that originally elects, pursuant to paragraph (5), to prohibit interstate branching may elect at any later time to permit interstate branching if such State enacts a law expressly permitting interstate branching by all national and State banks.

"(7) CONCENTRATION LIMITS.—

"(A) IN GENERAL.—Notwithstanding the provisions of this subsection, a State bank may not acquire an existing branch located in another State if—

"(i) the bank controls, or upon completion of the acquisition would control, more than 10 percent of the insured depository institution assets of the United States, as determined under regulations of the Board of Governors of the Federal Reserve System; or

"(ii) the bank controls, or upon completion of the acquisition would control, 30 percent or more of the insured depository institution deposits in the State in which the branch to be acquired is located, as determined under regulations of the Board of Governors of the Federal Reserve System, except that a State may waive the applicability of this clause.

"(B) LIMITATIONS.—Nothing in subparagraph (A)—

"(i) affects the applicability of Federal antitrust laws or of State antitrust laws that do not discriminate against out-of-State bank holding companies, or

"(ii) applies to the establishment of new branches located outside the State in which the main office of the bank is located.

"(8) COORDINATION OF EXAMINATION AUTHORITY.—

"(A) IN GENERAL.—A host State bank supervisory or regulatory authority may examine a branch established in the host State by banks chartered by another State for the purpose of determining compliance with host State laws regarding banking, taxation, community reinvestment, fair lending, consumer protection, and permissible activities and to ensure that the activities of the branch are conducted in a manner consistent with sound banking principles and do not constitute a serious risk to the safety and sound operation of the branch.

"(B) ENFORCEMENT.—In the event that a host State bank authority as described in subparagraph (A) determines that there is a violation of host State law concerning the activities being conducted by the branch or that the branch is being operated in a manner not consistent with sound banking principles or in an unsafe and unsound manner, such host State bank authority may undertake such enforcement actions or proceedings as would be permitted under host State law if the branch were a bank chartered by the host State.

"(C) COOPERATIVE AGREEMENT.—The State bank authorities from 1 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.

"(D) FEDERAL REGULATORY AUTHORITY.—

"(i) IN GENERAL.—Nothing in this subsection limits in any way the authority of the appropriate Federal banking agency to examine any bank or branch of a bank for which the agency is the appropriate Federal banking agency.

"(ii) REVIEW OF INTERSTATE AGREEMENTS.—If the appropriate Federal banking agency determines that the States have failed to reach an agreement under subparagraph (C), or that such an agreement fails to adequately protect the Federal Deposit Insurance Fund, the appropriate Federal banking agency shall not defer to State examinations of the out-of-State branches.

"(9) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'host State' means the State in which a bank establishes or maintains a branch other than the State in which the bank is chartered and is engaging in the business of banking; and

"(B) the term 'adequately capitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act.".

SEC. 5. COMMUNITY REINVESTMENT ACT EVALUATION OF BANKS WITH INTERSTATE BRANCHES.

(a) IN GENERAL.—Section 807 of the Community Reinvestment Act of 1977 (12 U.S.C. 2906) is amended by adding at the end the following new subsections:

"(d) INSTITUTIONS WITH INTERSTATE BRANCHES.—

"(1) STATE-BY-STATE EVALUATION.—In the case of a regulated financial institution that maintains domestic branches in 2 or more States, the appropriate Federal financial supervisory agency shall prepare—

"(A) a written evaluation of the entire institution's record of performance under this Act, as required by subsections (a), (b), and (c); and

"(B) for each State in which the institution maintains 1 or more domestic branches, a separate written evaluation of the institution's record of performance within such State under this Act, as required by subsections (a), (b), and (c).

"(2) MULTISTATE METROPOLITAN AREAS.—In the case of a regulated financial institution that maintains domestic branches in 2 or more States within a multistate metropolitan area, the appropriate Federal financial supervisory agency may prepare a separate written evaluation of the institution's record of performance within such metropolitan area under this Act, as required by subsections (a), (b), and (c). If the agency prepares a written evaluation pursuant to this paragraph, the scope of the written evaluation required under paragraph (1)(B) shall be adjusted accordingly.

"(3) STATE LEVEL EVALUATION.—A written evaluation prepared pursuant to paragraph (1)(B) shall—

"(A) include the information required by subparagraphs (A) and (B) of subsection (b)(1) separately for each metropolitan area in which the institution maintains 1 or more domestic branch offices and separately for the remainder of the nonmetropolitan area of the State if the institution maintains 1 or more domestic branch offices in such area; and

"(B) describe how the Federal financial supervisory agency has performed the examination of the institution, including a list of the individual branches examined.

"(4) DEFINITIONS.—For purposes of this section—

"(A) the term 'domestic branch' means any branch office or other facility of a regulated financial institution with the ability to accept deposits located in any State;

"(B) the term 'metropolitan area' means any primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area, as defined by the Director of the Office of Management and Budget, with a population of 250,000 or more, and any other area identified by the appropriate Federal financial supervisory agency; and

"(C) the term 'State' has the same meaning as in section 3 of the Federal Deposit Insurance Act.".

(b) SEPARATE PRESENTATION.—Section 807(b)(1) of the Community Reinvestment Act of 1977 (12 U.S.C. 2906(b)(1)) is amended by adding at the end the following sentence: "A written evaluation shall contain the information required by subparagraphs (A) and (B) presented separately for each metropolitan area in which an insured depository institution maintains 1 or more domestic branch offices.".

SEC. 6. BRANCHING BY FOREIGN BANKS.

(a) IN GENERAL.—Section 5(a) of the International Banking Act of 1978 (12 U.S.C. 3103(a)) is amended to read as follows:

"(a) INTERSTATE BANKING OPERATIONS.—

"(1) IN GENERAL.—A foreign bank may establish and operate—

"(A) a Federal branch or agency, with the approval of the Board and the Comptroller of the Currency, in any State outside its home State to the extent that such establishment and operation would be permitted under section 5155 of the Revised Statutes for a national bank, as if the foreign bank were a national bank having its main office in the home State of the foreign bank; or

"(B) a State branch or agency, with the approval of the Board and the appropriate regulatory authority of the State, in any State outside its home State to the extent that such establishment and operation would be permitted under section 18(d) of the Federal Deposit Insurance Act for a State bank, as if the foreign bank were a State bank chartered in the home State of the foreign bank.

"(2) CRITERIA FOR DETERMINATION.—In approving an application under paragraph (1), the Board and the Comptroller of the Currency—

"(A) shall apply the standards for establishment of a foreign bank office in the United States under section 7; and

"(B) may not approve an application unless it determines that the foreign bank's financial resources, including the capital level, are equivalent to those required for a domestic bank to be approved for branching under section 5155 of the Revised Statutes and section 18(d) of the Federal Deposit Insurance Act and, in the case of the first branching application by such foreign bank, after consultation with the Secretary of the Treasury regarding capital equivalency.".

(b) TREATMENT OF UNITED STATES BANKING SUBSIDIARIES.—Section 5 of the International Banking Act of 1978 (12 U.S.C. 3103) is amended by adding at the end the following:

"(d) TREATMENT OF UNITED STATES SUBSIDIARY OF A FOREIGN BANK.—A foreign bank that has a domestic subsidiary within the United States may establish Federal and State branches and agencies outside its home State to the extent permitted under section 5155(d) of the Revised Statutes and section 18(d) of the Federal Deposit Insurance Act.".

(c) HOME STATE.—

(1) METHOD OF DETERMINING.—Section 4(h) of the International Banking Act of 1978 (12 U.S.C. 3102(h)) is amended—

(A) in paragraph (1)(A), by striking "in the State in which such branch or agency is located"; and

(B) by adding at the end the following:

"(3) HOME STATE.—For purposes of section 5155(c) of the Revised Statutes, the home State of a foreign bank shall be its home State as determined under section 5(c).".

(2) SINGLE STATE DETERMINATIONS.—Section 5(c) of the International Banking Act of 1978 (12 U.S.C. 3103(c)) is amended to read as follows:

"(c) DETERMINATION OF HOME STATE OF FOREIGN BANK.—For purposes of this section—

"(1) the home State of a foreign bank that has branches, agencies, subsidiary commercial lending companies, or subsidiary banks, or any combination thereof, in more than 1 State, is the 1 of those States elected by the foreign bank, or, in default of such election, by the Board; and

"(2) the home State of a foreign bank that has branches, agencies, subsidiary commercial lending companies, or subsidiary banks, or any combination thereof, in only one State, is that State.".

SEC. 7. USE OF NAMES IN HOST STATE.

(a) BANK HOLDING COMPANY ACT OF 1956.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), as amended by section 2, is amended by adding at the end the following:

"(h) USE OF NAMES IN HOST STATE.—

"(1) IN GENERAL.—A bank holding company that seeks, directly or indirectly, to acquire or establish a bank in a host State shall provide the Board with the name or names under which the bank will operate in the host State.

"(2) PROHIBITION AGAINST SAME OR SIMILAR NAMES.—A bank holding company may not operate a bank in a host State if the proposed name of the bank is—

"(A) identical or deceptively similar to a name being used by an existing bank or bank holding company in the host State; or

"(B) is likely to cause the public to be confused, deceived, or mistaken, due to a similarity or identity of names.

"(3) SUBSEQUENT USE OF SAME OR SIMILAR NAME.—Upon application by any person or institution that is adversely affected, the Board shall revoke permission of a bank holding company to operate a bank in a host State if the bank holding company uses or changes the name of, or uses an additional name for any of its banks in the host State, and the new or additional name is described in subparagraph (A) or (B) of paragraph (2). The preceding sentence does not preclude any adversely affected person from pursuing any available legal or administrative remedies.

"(4) DEFINITION.—For purposes of this subsection, the term 'host State' means the State in which a bank holding company establishes or acquires a bank other than the State in which the operations of the bank holding company's banking subsidiaries were principally conducted on July 1, 1996, or the date on which the company became a bank holding company, whichever is later.".

(b) NATIONAL BANKS.—Section 5155(d) of the Revised Statutes (12 U.S.C. 36(d)), as added by section 3, is amended by adding at the end the following:

"(6) USE OF NAMES IN HOST STATE.—

"(A) IN GENERAL.—A bank that seeks, directly or indirectly, to acquire or establish a branch in a host State shall provide the Comptroller of the Currency with the name or names under which the branch will operate in the host State.

"(B) PROHIBITION AGAINST SAME OR SIMILAR NAMES.—A bank may not operate a branch in a host State if the proposed name of the branch is—

"(i) identical or deceptively similar to a name being used by an existing bank or bank holding company in the host State; or

"(ii) is likely to cause the public to be confused, deceived, or mistaken, due to a similarity or identity of names.

"(C) SUBSEQUENT USE OF SAME OR SIMILAR NAME.—Upon application by any person or institution that is adversely affected, the Comptroller of the Currency shall revoke permission of a bank to operate a branch in a host State if the bank uses or changes the name of, or uses an additional name for any such branch in the host State, and the new or additional name is described in clause (i) or (ii) of subparagraph (B). The preceding sentence does not preclude any adversely affected person from pursuing any available legal or administrative remedies.

"(D) DEFINITION.—For purposes of this paragraph, the term 'host State' means the State in which a bank establishes or acquires a branch other than the State in which the bank has its main office and is engaging in the business of banking.".

(c) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)), as amended by section 4, is amended by adding at the end the following:

"(10) USE OF NAMES IN HOST STATE.—

"(A) IN GENERAL.—A bank that seeks, directly or indirectly, to acquire or establish a branch in a host State shall provide the appropriate State regulatory authority with the name or names under which the branch will operate in the host State.

"(B) PROHIBITION AGAINST SAME OR SIMILAR NAMES.—A bank may not operate a branch in a host State if the proposed name of the branch is—

"(i) identical or deceptively similar to a name being used by an existing bank or bank holding company in the host State; or

"(ii) is likely to cause the public to be confused, deceived, or mistaken, due to a similarity or identity of names.

"(C) SUBSEQUENT USE OF SAME OR SIMILAR NAME.—Upon application by any person or institution that is adversely affected, the appropriate State regulatory authority may revoke permission of a bank to operate a branch in a host State if the bank uses or changes the name of, or uses an additional name for any such branch in the host State, and the new or additional name is described in clause (i) or (ii) of subparagraph (B). The preceding sentence does not preclude any adversely affected person from pursuing any available legal or administrative remedies.

"(D) DEFINITION.—For purposes of this paragraph, the term 'host State' means the State in which a bank establishes or acquires a branch other than the State in which the bank has its main office and is engaging in the business of banking.".

• Mr. D'AMATO. Mr. President, I have long supported legislation to reform our financial services industry.

During the 102d Congress, the Banking Committee held numerous hearings on comprehensive bank reform. The hearings demonstrated that interstate banking and branching would provide cost savings to banks by allowing the conservation of a bank's subsidiaries into branches.

Interstate banking and branching would also allow banks to reduce risks through geographic diversification. Banks would be able to diversify their liabilities by making loans in various regions across the country.

Although 33 States have passed laws that allow nationwide interstate banking and 14 States allow regional banking, legislation to permit full-scale interstate banking and branching has yet to pass both Houses of Congress.

The Senate passed a version of interstate branching in the Federal Deposit Insurance Corporation Improvement Act of 1991, but these provisions did not survive the conference.

Congress should continue to press ahead toward the goal accomplishing meaningful reform of the banking industry. Today, Senator DODD has taken an important step toward achieving that goal by introducing the Interstate

Banking and Branching Act of 1993. I am pleased to be among the original cosponsors of this legislation.

The Interstate Banking and Branching Act of 1993 presents a balanced approach to permitting interstate banking and branching. States that do not want to participate in interstate branching will be able to opt out within a specified time period. By opting out, that State could restrict its banks from branching out of State and prohibit out-of-State banks from branching into that State.

While there may be modifications to this bill during the legislative process, I hope that Congress will enact this legislation without delay. I urge my colleagues to support S. 371.●

By Mr. DECONCINI:

S. 372. A bill to extend the existing duty free treatment with respect to articles provided by the Max Planck Institute for Radioastronomy to the Steward Observatory; to the Committee on Finance.

MAX PLANCK INSTITUTE ACT OF 1993

● Mr. DECONCINI. Mr. President, I am introducing legislation today which is critical to the advancement of astronomy in my home State of Arizona and indeed the entire country. This is identical to legislation I introduced in the 102d Congress which, unfortunately, was not considered by the Senate.

I sponsored legislation included in the Tariff and Trade Act of 1984 to provide assistance with importing materials and instruments from Germany, primarily calibration and repair equipment as well as installation instruments, for a new world-class submillimeter telescope [SMT]. While at that time I expected the project to be complete by 1993, construction delays necessitate an extension of the original legislation.

This bill will provide a continuation of the tariff exemption on materials and equipment necessary to complete this important telescope. The SMT is designed to explore the potential of submillimeter astronomy. The Steward Observatory of the University of Arizona and the Max Planck Institute for Radioastronomie in Germany are collaborating on the construction and operation of the SMT. The project is particularly exciting given that the SMT will be twice as accurate as any currently existing radio telescope. In addition, the reflector, 10 meters in diameter, will be the first SMT of this size with a surface designed for efficient measurement at the highest frequency microwave window through the atmosphere.

In June 1982, the University of Arizona and the Max Planck-Gesellschaft signed a memorandum of understanding for a 10-year formal collaboration on the project. In 1992, the agreement was renewed for another 10 years. The project has been beneficial in fostering collaboration between a distinguished American university, a German national research laboratory and high-technology industries in both countries. The University of Arizona's unique capabilities, including large glass optics and instrumentation, have been teamed with the Max Planck Institute's experience in development of large, precise radio astronomy telescopes.

Just as exceptional as the telescope is the instrumentation that will be used with the telescope. Much of this instrumentation is being developed in collaboration between the two institutions just as the telescope itself was. This custom instrumentation is not available from any other manufacturer in the world; it is a product of research and development particular to this telescope facility.

As the instrumentation is built and operations begin, new problems and astronomical discoveries will necessarily lead to further instrumentation being shipped between countries to adjust to the evolution of this project. Therefore, even after the telescope project is complete, the need for this extension will continue.

Germany reciprocates the benefits provided by current law when equipment is shipped from the United States to Germany. Extending this tariff exemption is in the best interest of this cooperative bilateral effort. It is also important to note that there is no real economic cost incurred by the U.S. Government by extending the current tariff waiver as most of the shipments involve the transfer of the same equipment between countries to receive adjustment, repair, or modification.

Mr. President, I urge my colleagues to support this legislation and I ask unanimous consent that the entire text of the bill as well as a list of telescope parts and instrumentation be included in the RECORD at this point.

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

S. 372

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

SECTION 1. ARTICLES PROVIDED BY THE MAX PLANCK INSTITUTE FOR A JOINT PROJECT WITH STEWARD OBSERVATORY.

(a) IN GENERAL.—Subsection (f) of section 240 of the Trade and Tariff Act of 1984 (98 Stat 2994) is amended by striking "and before November 1, 1993".

(b) TECHNICAL AMENDMENTS.—

(1) Section 240(a)(1)(A) of such Act is amended by striking "headnote 6(a) of part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202)" and inserting "U.S. note 6(a) of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. (19 U.S.C. 3007)".)

(2) Section 240(e) of such act is amended by striking "headnote 1 of part 4 of schedule 8 (19 U.S.C. 1202)" and inserting "U.S. note 1 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after October 31, 1993.

LIST OF TELESCOPE PARTS AND INSTRUMENTATION

*1. Telescope mount and control electronics.

*2. Reflector support structure.

3. Reflector panels.

*4. Secondary mirror support structure.

5. Microwave relievers, bolemeters and associated electronic systems.

6. Cryogenic dewars, compressors, vacuum pumps, and vacuum equipment.

7. Analog and digital computer interfaces, including CAMAC electronics.

8. Electronic and microwave test equipment.

9. Semiconductor devices such as mixer diodes, bolemeters, and solid-state oscillators.

10. Vacuum tubes such as klystrons and carcinotrons.

11. Laser local oscillator systems.

12. Auxiliary instrumentation for use with SMT.

13. Computer systems for telescope control, data acquisition, and data reduction.

Note.—Mirror molds will be temporarily exported from UA to Germany, then returned later. Similarly, computer systems will be "loaned" to MPI in Bonn temporarily and then returned. All molds returned, except for mold 4.

*Importation complete.●

By Mr. DECONCINI (for himself and Mr. HATCH):

S. 373. A bill to amend title 17, United States Code, to modify certain recordation and registration requirements, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes; to the Committee on the Judiciary.

COPYRIGHT REFORM ACT OF 1993

Mr. DECONCINI. Mr. President, I rise today to introduce the Copyright Reform Act of 1993. This bill modifies certain recordation and registration requirements, converts the Register of Copyrights form an appointee of the Librarian of Congress to a Presidential appointee, and replaces the Copyright Royalty Tribunal with ad hoc arbitration panels under the direction of the Register of Copyrights. The public mandate for a more efficient Government is met by all the reforms this bill proposes.

The first reform made by this bill reverses *National Peregrine, Inc.* v. *Capitol Federal Savings & Loan Association*, 116 Bankr. 194 (Bank, C.D. Cal. 1990) and *Official Unsecured Creditors' Committee* v. *Zenith Productions, Ltd. (in re AEG Acquisition Corp.)*, 127 Bankr. 34 (Bank. C.D. Cal. 1991). In both decisions, the court held that the State Uniform Commercial Code statutes for perfecting security interests were preempted by sections 205 and 301 of the Copyright Act. These decisions require organiza-

tions or individuals taking copyrights as security for loans or financing to record those interests with the Copyright Office, as required by section 205 of title 17, United States Code.

These decisions have resulted in a 50 percent increase in the recordation of transfers with the Copyright Office and has caused considerable administrative burdens for business. Congress' intent in enacting section 205 was not to preempt State procedures for protecting secured creditors' rights. In order to solve this unforeseen problem, this bill exempts the perfection of security interests from Federal preemption so that small businesses and others may have secured creditors' rights by complying with their State UCC statutes.

Second, title I reduces the administrative burdens connected with Copyright Office registration by repealing sections 411(a) and 412 of title 17, United States Code. This eliminates the requirement to register the copyrighted work as a condition to bringing an infringement action. Moreover, it eliminates the requirement that a work be registered before the infringement occurs in order to obtain statutory damages and attorneys' fees.

The United States is presently the only country in the world with these requirements. The Berne Implementation Act of 1988 requires that no formalities be required as a condition to copyright protection. When the act was being considered, however, the United States wished to make only minimal changes to U.S. law. As a compromise, the registration requirement as a condition to protection was dropped, but registration as a condition to sue was retained. In order to comply with international obligations, the registration requirement as a condition to suit was dropped for foreign works, resulting in a two-tiered system in which there is a more stringent standard for U.S. authors and another, more lenient standard for foreign works.

There are many reasons for removing the registration requirement for U.S. authors. The differing treatment of foreign and domestic works results in the anomaly of U.S. authors being treated less favorably than foreign authors, a dubious policy result. Eliminating the requirement would remove this anomaly and simultaneously place the United States in harmony with the rest of the world.

Leaving the requirement in place indirectly results in mandatory registration. The reality is that copyright owners, rather than forgo some of the most important rights granted under the act, must needlessly register all their works. This reform should be adopted to significantly benefit small businesses and individuals, reduce legislative branch employment, and correct an inequity created by the Berne Implementation Act of 1988.

The third proposed reform converts the Register of Copyrights from a Librarian of Congress appointee to a Presidential appointee. Currently, the Librarian of Congress, who is appointed by the President, selects the Register of Copyrights. This bill would give the Register of Copyrights increased responsibilities in the selection and oversight of the arbitration panels established by this legislation to adjust rates and distribute fees for copyright compulsory licenses. Furthermore, this conversion comports with the heightened importance of intellectual property, especially in international trade. The growth of intellectual property and its increasing importance to the U.S. economy warrants the President's attention in this selection.

Finally, title II of this bill replaces the Copyright Royalty Tribunal with ad hoc arbitration panels. The Copyright Royalty Tribunal [CTR] is a legislative branch agency that was established to engage principally in two activities: rate adjustment and distribution of royalties in the administration of the compulsory license provisions of the Copyright Act.

The CRT consists of three SES level V commissioners appointed by the President with the advice and consent of the Senate for a 7-year term. The workload of the CRT does not, in this Senator's opinion, justify the need for the continued operation of the tribunal.

The CRT's functions are better replaced by ad hoc panels created when rate adjustment and royalty distribution disputes arise. Under the bill, when there is no dispute, the Register of Copyrights will distribute the fees. When a dispute arises, a different arbitration board consisting of three arbitrators selected by the Register of Copyrights will convene for each dispute. The parties to each proceeding will bear all the costs. Reports are given to the Register of Copyright and all decisions are reviewable by the Register of Copyrights. The Register of Copyrights' decision may be appealed to the U.S. court of appeals.

Proposals for ad hoc panels to administer the compulsory licenses are not new. Until final passage of the 1976 Act, this was the approach embodied in the copyright law revision bills. The panels were to be convened by the Register of Copyrights. The CRT was established in 1976 in reaction to the Supreme Court's 1976 decision in Buckley versus Valeo which expressed concern that the Register of Copyrights is not a Presidential appointee. That concern is remedied by this legislation, however, by converting the Register of Copyrights to a Presidential appointee.

A switch to arbitration panels would have a number of positive effects: First, by eliminating the CRT, Congress can reduce legislative branch employment; second, the costs of the arbitration panels are borne by the parties, not by the taxpayers; third, since the costs would be borne by the parties, there is strong incentive to settle, rather than litigate disputes; and fourth, negotiated agreements will better reflect market rates than a Government-set compulsory license rate.

Mr. President, it is for these reasons that I urge my colleagues to support this legislation. I ask unanimous consent that the full text of my bill be printed in the RECORD immediately following this statement.

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

S. 373

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 "Copyright Reform Act of 1993".

TITLE I—COPYRIGHT OFFICE

SEC. 101. COPYRIGHT RECORDATION PROVISIONS.

Section 301(b) of title 17, United States Code, is amended—

(1) in paragraph (3) by striking "or" after the semicolon;

(2) in paragraph (4) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(5) perfecting security interests.".

SEC. 102. COPYRIGHT REGISTRATION PROVISIONS.

(a) REGISTRATION AND INFRINGEMENT ACTIONS.—Section 411 of title 17, United States Code, is amended to read as follows:

"§411. Registration and infringement actions

"In the case of a work consisting of sounds, images, or both, the first fixation of which is made simultaneously with its transmission, the copyright owner may, either before or after such fixation takes place, institute an action for infringement under section 501, fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if, in accordance with requirements that the Register of Copyrights shall prescribe by regulation, the copyright owner serves notice upon the infringer, not less than 10 or more than 30 days before such fixation, identifying the work and the specific time and source of its first transmission.".

(b) REGISTRATION AS PREREQUISITE TO CERTAIN REMEDIES FOR INFRINGEMENT.—Section 412 of title 17, United States Code, and the item relating to section 412 in the table of sections at the beginning of chapter 4 of title 17, United States Code, are repealed.

SEC. 103. THE COPYRIGHT OFFICE: GENERAL RESPONSIBILITIES AND ORGANIZATION.

(a) REGISTER OF COPYRIGHTS.—Section 701(a) of title 17, United States Code, is amended to read as follows:

"(a)(1) The President shall appoint, by and with the advice and consent of the Senate, the Register of Copyrights. The Register of Copyrights shall be paid at the rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5.".

"(2) All administrative functions and duties under this title, except as otherwise specified, are the responsibility of the Register of Copyrights as director of the Copyright Office of the Library of Congress. The Register of Copyrights shall appoint all other officers and employees of the Copyright Office, who shall act under the Register's general direction and supervision.".

(b) ANNUAL REPORT.—Section 701(c) of title 17, United States Code, is amended to read as follows:

"(c) The Register of Copyrights shall make an annual report to the Congress on the work and accomplishments of the Copyright Office during the previous fiscal year.".

(c) REPEAL.—Section 701(e) of title 17, United States Code, is repealed.

SEC. 104. COPYRIGHT OFFICE REGULATIONS.

Section 702 of title 17, United States Code, is amended by striking the last sentence.

SEC. 105. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 101 of title 17, United States Code, is amended by striking the definition of the "country of origin" of a Berne Convention work.

(b) RECORDATION OF TRANSFERS AND OTHER DOCUMENTS.—Section 205(c) of title 17, United States Code, is amended by striking "but only if—" and all that follows through the end of paragraph (2) and inserting the following: "but only if the document, or material attached to it, specifically identifies the work to which it pertains so that, after the document is indexed by the Register of Copyrights, it would be revealed by a reasonable search under the title or registration number of the work.".

(c) INFRINGEMENT OF COPYRIGHT.—Section 501(b) of title 17, United States Code, is amended in the first sentence by striking ", subject to the requirements of section 411,".

(d) REMEDIES FOR INFRINGEMENT.—Section 504(a) of title 17, United States Code, is amended by striking "Except as otherwise provided by this title, an" and inserting "An".

TITLE II—COPYRIGHT ROYALTY TRIBUNAL

SEC. 201. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended to read as follows:

"§ 801. Copyright arbitration royalty panels: establishment and purpose

"(a) ESTABLISHMENT.—The Register of Copyrights is authorized to appoint and convene copyright arbitration royalty panels to—

"(1) make determinations concerning the adjustment of the copyright royalty rates as provided in section 803;

"(2) adjust royalty payments under section 1004(a)(3);

"(3) distribute royalty fees deposited with the Register of Copyrights under sections 111 and 119(b) in the event a controversy over such distribution exists; and

"(4) distribute the royalty fees deposited with the Register of Copyrights under section 1005 in the event a controversy over such distribution exists under section 1006(c).".

(b) MEMBERSHIP AND PROCEEDINGS.—Section 802 of title 17, United States Code, is amended to read as follows:

"§ 802. Membership and proceedings of copyright arbitration royalty panels

"(a) COMPOSITION OF COPYRIGHT ARBITRATION ROYALTY PANELS.— A copyright arbitration royalty panel shall consist of 3 arbitrators selected by the Register of Copyrights pursuant to subsection (b).

"(b) SELECTION OF ARBITRATION PANEL.—Not later than 10 days after publication of a notice initiating an arbitration proceeding under section 803 or 804, and in accordance with procedures specified by the Register of Copyrights, the Register of Copyrights shall select 2 arbitrators from lists of arbitrators provided to the Register by parties participating in the arbitration. The 2 arbitrators so selected shall, within 10 days after their selection, choose a third arbitrator from the same lists, who shall serve as the chairperson of the arbitrators. If such 2 arbitrators fail to agree upon the selection of a chairperson, the Register of Copyrights shall promptly select the chairperson.

"(c) ARBITRATION PROCEEDINGS.—Copyright arbitration royalty panels shall conduct arbitration proceedings, in accordance with such procedures as they may adopt, for the purpose of making their determinations in carrying out the purposes set forth in section 801. The arbitration panels shall act on the basis of a fully documented written record. Any copyright owner who claims to be entitled to royalties under section 111 or 119 or any interested copyright party who claims to be entitled to royalties under section 1006 may submit relevant information and proposals to the arbitration panels in proceedings applicable to such copyright owner or interested copyright party. The parties to the proceedings shall bear the entire cost thereof in such manner and proportion as the arbitration panels shall direct.

"(d) REPORT TO THE REGISTER OF COPYRIGHTS.—Not later than 180 days after publication of the notice initiating an arbitration proceeding, the copyright arbitration royalty panel conducting the proceeding shall report to the Register of Copyrights its determination concerning the royalty fee or distribution of royalty fees, as the case may be. Such report shall be accompanied by the written record, and shall set forth the facts that the arbitration panel found relevant to its determination.

"(e) ACTION BY COPYRIGHT ARBITRATION ROYALTY PANEL.—Within 60 days after receiving the report of a copyright arbitration royalty panel under subsection (d), the Register of Copyrights shall adopt or reject the determination of the arbitration panel. The Register shall adopt the determination of the arbitration panel unless the Register finds that the determination is arbitrary. If the Register rejects the determination of the arbitration panel, the Register shall, before the end of that 60-day period, and after full examination of the record created in the arbitration proceeding, issue an order setting the royalty fee or distribution of fees, as the case may be. The Register shall cause to be published in the Federal Register the determination of the arbitration panel, and the decision of the Register (including an order issued under the preceding sentence). The Register shall also publicize such determination and decision in such other manner as the Register considers appropriate. The Register shall also make the report of the arbitration panel and the accompanying record available for public inspection and copying.

"(f) JUDICIAL REVIEW.—Any decision of the Register of Copyrights under subsection (e) with respect to a determination of an arbitration panel may be appealed, by any aggrieved party who would be bound by the determination, to the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the publication of the decision in the Federal Register. The pendency of an appeal under this paragraph shall not relieve persons obligated to make royalty payments under sections 111, 119, or 1003 who would be affected by the determination on appeal to deposit the statement of account and royalty fees specified in those sections. The court shall have jurisdiction to modify or vacate a decision of the Register only if it finds, on the basis of the record before the Register, that the Register acted in an arbitrary manner. If the court modifies the decision of the Register, the court shall have jurisdiction to enter its own determination with respect to the amount or distribution of royalty fees and costs, to order the repayment of any excess fees, and to order the payment of any underpaid fees, and the interest pertaining respectively thereto, in accordance with its final judgment. The court may further vacate the decision of the arbitration panel and remand the case for arbitration proceedings in accordance with subsection (c).".

(c) ADJUSTMENT OF COMPULSORY LICENSE RATES.—Section 803 of title 17, United States Code, is amended to read as follows:

"§ 803. Adjustment of compulsory license rates

"(a) PETITIONS.—In accordance with subsection (b), any owner or user of a copyrighted work whose royalty rates are specified by this title, or by a rate established by the Copyright Royalty Tribunal before the date of the enactment of the Copyright Reform Act of 1993, or by a copyright arbitration royalty panel after such date of enactment, may file a petition with the Register of Copyrights declaring that the petitioner requests an adjustment of the rate. The Register of Copyrights shall make a determination as to whether the petitioner has a significant interest in the royalty rate in which an adjustment is requested. If the Register determines that the petitioner has a significant interest, the Register shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter. Except as provided in subsection (b)(1), the rates set by a copyright arbitration royalty panel shall attempt to reflect what the fair market value of the use would be in the absence of a compulsory license.

"(b) TYPES OF PROCEEDINGS.—

"(1) CABLE.—In making determinations concerning the adjustment of the copyright royalty rates in section 111, copyright arbitration royalty panels shall make their determinations only in accordance with the following provisions:

"(A) The rates established by section 111(d)(1)(B) may be adjusted to reflect national monetary inflation or deflation, or changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar level of the royalty fee per subscriber which existed on the date of the enactment of the Copyright Reform Act of 1993, except that—

"(i) if the average rates charged cable system subscribers for the basic service of providing secondary transmissions are changed so that the average rates exceed national monetary inflation, no change in the rates established by section 111(d)(1)(B) shall be permitted; and

"(ii) no increase in the royalty fee shall be permitted based on any reduction in the average number of distant signal equivalents per subscriber.

Copyright arbitration royalty panels may consider all factors relating to the maintenance of such level of payments including, as an extenuating factor, whether the cable industry has been restrained by subscriber rate regulating authorities from increasing the rates for the basic service of providing secondary transmissions.

"(B) In the event that the rules and regulations of the Federal Communications Commission are amended at any time after April

15, 1976, to permit the carriage by cable systems of additional television broadcast signals beyond the local service area of the primary transmitters of such signals, the royalty rates established by section 111(d)(1)(B) may be adjusted to ensure that the rates for the additional distant signal equivalents resulting from such carriage are reasonable in the light of the changes effected by the amendment to such rules and regulations. In determining the reasonableness of rates proposed following an amendment of Federal Communications Commission rules and regulations, a copyright arbitration royalty panel shall consider, among other factors, the economic impact on copyright owners and users, except that no adjustment in royalty rates shall be made under this subparagraph with respect to any distant signal equivalent or fraction thereof represented by—

"(i) carriage of any signal permitted under the rules and regulations of the Federal Communications Commission in effect on April 15, 1976, or the carriage of a signal of the same type (that is, independent, network, or noncommercial educational) substituted for such permitted signal, or

"(ii) a television broadcast signal first carried after April 15, 1976, pursuant to an individual waiver of the rules and regulations of the Federal Communications Commission, as such rules and regulations were in effect on April 15, 1976.

"(C) In the event of any change in the rules and regulations of the Federal Communications Commission with respect to syndicated and sports program exclusivity after April 15, 1976, the rates established by section 111(d)(1)(B) may be adjusted to assure that such rates are reasonable in light of the changes to such rules and regulations, but any such adjustment shall apply only to the affected television broadcast signals carried on those systems affected by the change.

"(D) The gross receipts limitations established by section 111(d)(1)(C) and (D) shall be adjusted to reflect national monetary inflation or deflation or changes in the average rates charged cable system subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar value of the exemption provided by such section; and the royalty rate specified in such section shall not be subject to adjustment.

"(E) With respect to proceedings under subparagraph (A) or (D), petitions under subsection (a) may be filed during 1995 and in each subsequent fifth calendar year.

"(F) With respect to proceedings under subparagraph (B) or (C), petitions under subsection (a) may be filed within 12 months after an event described in either such subsection. Any change in royalty rates made pursuant to subparagraph (B) or (C) may be reconsidered in 1995 and each fifth calendar year thereafter, in accordance with subparagraph (B) or (C), as the case may be.

"(2) PHONORECORDS.—With respect to proceedings to adjust the copyright royalty rates in section 115, petitions under subsection (a) may be filed in 1997 and in each subsequent tenth calendar year.

"(3) COIN-OPERATED PHONORECORD PLAYERS.—If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another license agreement under such section, the Register of Copyrights shall, upon petition filed under subsection (a) within 1 year after such termination or expiration, convene a copyright arbitration royalty panel. The arbitration panel shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of non-dramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the arbitration panel, in accordance with section 802, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(c).

"(4) NONCOMMERCIAL BROADCASTING.—A copyright arbitration royalty panel may commence proceedings to adjust the copyright royalty rates in section 118 as provided in that section.

"(5) DIGITAL AUDIO RECORDING.—The Register of Copyrights shall make adjustments to royalty payments under section 1004(a)(3) as provided in that section.".

(d) DISTRIBUTION OF COPYRIGHT ROYALTIES.—Section 804 of title 17, United States Code, is amended to read as follows:

"§ 804. Distribution of copyright royalties

"The distribution of royalties under this title shall be as provided in section 111(d)(4), 119(b)(4), and 1007.".

(e) REPEAL.—Sections 805 through 810 of title 17, United States Code, are repealed.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of title 17, United States Code, is amended to read as follows:

"Sec. 801. Copyright arbitration royalty panels: establishment and purpose.
"Sec. 802. Membership and proceedings of copyright arbitration royalty panels.
"Sec. 803. Adjustment of compulsory license rates.
"Sec. 804. Distribution of copyright royalties.".

SEC. 202. JUKEBOX LICENSES.

(a) REPEAL OF COMPULSORY LICENSE.—Section 116 of title 17, United States Code, and the item relating to section 116 in the table of sections at the beginning of chapter 1 of such title, are repealed.

(b) NEGOTIATED LICENSES.—(1) Section 116A of title 17, United States Code, is amended—

(A) by redesignating such section as section 116;

(B) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b)(2) (as so redesignated) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights";

(D) in subsection (c) (as so redesignated)—

(i) in the subsection caption by striking "ROYALTY TRIBUNAL" and inserting "ARBITRATION ROYALTY PANEL"; and

(ii) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel"; and

(E) by striking subsections (e), (f), and (g).

(2) The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by striking "116A" and inserting "116".

SEC. 203. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first 2 sentences;

(B) in the third sentence by striking "works specified by this subsection" and inserting "published nondramatic musical works and published pictorial, graphic, and sculptural works";

(C) in paragraph (1)—

(i) in the first sentence by striking ", within one hundred and twenty days after publication of the notice specified in this subsection,"; and

(ii) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Register of Copyrights";

(D) in paragraph (2) by striking "Tribunal" and inserting "Register of Copyrights";

(E) in paragraph (3)—

(i) by striking the first sentence and inserting the following: "In the absence of license agreements negotiated under paragraph (2), the Register of Copyrights shall, pursuant to section 803, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Register of Copyrights.";

(ii) in the second sentence—

(I) by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panel"; and

(II) by striking "clause (2) of this subsection" and inserting "paragraph (2)"; and

(iii) in the last sentence by striking "Copyright Royalty Tribunal" and inserting 'Register of Copyrights"; and

(F) by striking paragraph (4);

(2) by striking subsection (c); and

(3) in subsection (d)—

(A) by redesignating such subsection as subsection (c);

(B) by striking "to the transitional provisions of subsection (b)(4), and"; and

(C) by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panel".

SEC. 204. SECONDARY TRANSMISSIONS BY SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE VIEWING.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking ", after consultation with the Copyright Royalty Tribunal," each place it appears;

(B) in paragraph (2) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights";

(C) in paragraph (3) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights"; and

(D) in paragraph (4)—

(i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Register of Copyrights";

(ii) by striking "Tribunal" each place it appears and inserting "Register"; and

(iii) in subparagraph (C) by striking "conduct a proceeding" in the last sentence and inserting "convene a copyright arbitration royalty panel"; and

(2) by striking subsection (c) and inserting the following:

"(c) DETERMINATION OF ROYALTIES.—The royalty fee payable under subsection (b)(1)(B) shall be that established by the Copyright Royalty Tribunal on May 1, 1992, as corrected on May 18, 1992.".

SEC. 205. CONFORMING AMENDMENTS.

(a) CABLE COMPULSORY LICENSE.—Section 111(d) of title 17, United States Code, is amended as follows:

(1) Paragraph (1) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(2) Paragraph (1)(A) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(3) Paragraph (2) is amended by striking the second and third sentences and by inserting the following: "All funds held by the Secretary of the Treasury shall be invested in interest-bearing United States securities for later distribution by the Register in the event no controversy over distribution exists, or by a copyright arbitration royalty panel in the event a controversy over such distribution exists. The Register shall compile and publish on a semiannual basis, a compilation of all statements of account covering the relevant 6-month period provided by paragraph (1) of this subsection.".

(4) Paragraph (4)(A) is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights"; and

(B) by striking "Tribunal" and inserting "Register".

(5) Paragraph (4)(B) is amended to read as follows:

"(B) After the first day of August of each year, the Register of Copyrights shall determine whether there exists a controversy concerning the distribution of royalty fees. If the Register determines that no such controversy exists, the Register shall, after deducting the Copyright Office's reasonable administrative costs under this section, distribute such fees to the copyright owners entitled, or to their designated agents. If the Register finds the existence of a controversy, the Register shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty fees.".

(6) Paragraph (4)(C) is amended by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights".

(b) AUDIO HOME RECORDING ACT.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) of title 17, United States Code, is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights"; and

(B) by striking "Tribunal" and inserting "Register".

(2) DEPOSIT OF ROYALTY PAYMENTS.—Section 1005 of title 17, United States Code, is amended by striking the last sentence.

(3) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) of title 17, United States Code, is amended by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights shall convene a copyright arbitration royalty panel which".

(4) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 of title 17, United States Code, is amended—

(A) in subsection (a)(1) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights";

(B) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights"; and

(ii) by striking "Tribunal" each place it appears and inserting "Register"; and

(C) in subsection (c)—

(i) by striking the first sentence and inserting "If the Register finds the existence of a controversy, the Register shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty payments."; and

(ii) by striking "Tribunal" each place it appears and inserting "Register".

(5) ARBITRATION OF CERTAIN DISPUTES.—Section 1010 of title 17, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights"; and

(ii) by striking "Tribunal" each place it appears and inserting "Register";

(B) in subsection (e) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Register of Copyrights";

(C) in subsection (f)—

(i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Register of Copyrights";

(iii) by striking "Tribunal" each place it appears and inserting "Register"; and

(iii) in the third sentence by striking "its" and inserting "the Register's"; and

(D) in subsection (g)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Register of Copyrights"; and

(ii) by striking "Tribunal" each place it appears and inserting "Register".

TITLE III—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

(a) TITLE I.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by title I take effect on the date of the enactment of this Act.

(2) SECTION 103.—The amendments made by section 103 take effect on January 1, 1994.

(b) TITLE II.—The amendments made by title II take effect on January 1, 1994.

(c) EFFECTIVENESS OF EXISTING RATES AND DISTRIBUTIONS.—All royalty rates and all determinations with respect to the proportionate division of compulsory license fees among copyright claimants, whether made by the Copyright Royalty Tribunal, or by voluntary agreement, before the effective date set forth in subsection (b) shall remain in effect until modified by voluntary agreement or pursuant to the amendments made by this Act.

Mr. HATCH. Mr. President, I am pleased to join my colleague from Arizona, Senator DECONCINI, chairman of the Subcommittee on Patents, Copyrights and Trademarks, in jointly introducing in the Senate the Copyright Reform Act of 1993.

Earlier today, Representative HUGHES, the chairman of the House Subcommittee on Intellectual Property and the Administration of Justice, introduced similar legislation in the House of Representatives. These bills respond to a number of concerns that have become apparent in recent years relating to the functioning of the Copyright Royalty Tribunal and the need for updating and streamlining the Copyright Act.

The copyright industry in America is one of our true success stories, both at home and abroad. When one considers the vast scope of the intellectual property products that are secured by copyright—including motion pictures, music, books, computer software, works of fine art, and sound recordings—and the place of those industries in our economy, the importance of today's bill should become readily apparent.

Similarly, the Copyright Office, America's experts on copyright law, enjoys a unique and special place in our Government. It has historically been located within the Library of Congress and is a division of the legislative branch. Many of its functions, however, are of the sort that are usually performed by executive branch agencies such as the Patent and Trademark Office.

But the location of the Copyright Office in the Library of Congress has more than simple history to recommend it. These two organizations have an inherently close relationship that derives from the basic similarity in their missions: Both are charged with preserving and fostering creative expression in whatever form it may take. And the practical benefits that have traditionally flowed from this close relationship, such as the use of the copyright deposit requirement to enrich the holdings of the Library, are valuable and worth preserving.

Still, with the growing importance of copyright law in American and world affairs, it is time that the important position of Register of Copyrights be enhanced in status by being established as a full Presidential appointment, with all of the powers and responsibilities that flow from such an appointment. This bill makes that change in the law. This change will enhance the power and prestige of the Register's office, and that should redound to the benefit of its current occupant and all future incumbents in that office.

This bill also moves our copyright law to the next logical step along the path of harmonizing our system of copyright registration with the worldwide standard of formality-free copyright protection. It does this by eliminating the requirement in section 411 that formal registration is a prerequisite to maintaining an infringement action in U.S. courts. That is already the standard for many foreign copyright holders. Eliminating this distinction that worked against the interests of American copyright holders is sensible and overdue.

Since its creation in the late 1970's, the Copyright Royalty Tribunal has performed the important function of making certain complicated and involved royalty fee distributions as mandated by statute. It has performed this task well. However, questions have arisen as to whether the maintenance of a full-fledged permanent agency is necessary to the performance of this task.

In the 101st Congress, we reduced the size of the Tribunal from five commissioners to three. Title II of the bill we are filing today would dismantle the Tribunal as a permanent agency. In its place is established a system by which the Register of Copyrights is authorized to appoint and convene ad hoc arbitration royalty panels when and as needed. I believe that this is a far more efficient way to handle the problem of statutorily mandated distributions.

Mr. President, these are the principal changes in copyright law that are included in the Copyright Reform Act of 1993. I believe that they are necessary changes which will enhance the value and effectiveness of copyright as an author's and creator's fundamental right. I further hope that, when enacted, the Copyright Reform Act of 1993, will allow the Copyright Office to continue to perform the excellent work that we in Congress have come to expect from it, as well as to allow those creators and proprietors who rely on copyright law generally to have a law in place that is fully responsive to their needs.

By Mr. NICKLES (for himself and Mr. BOREN):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide incentives for domestic oil and natural gas exploration and production, and for other purposes; to the Committee on Finance.

ENERGY INDEPENDENCE, INFRASTRUCTURE AND INVESTMENT ACT OF 1993

• Mr. NICKLES. Mr. President, last night President Clinton spoke to the American people concerning the economic package that he will be detailing tomorrow night before Congress. In his statement, he mentioned that he will ask Congress to pass a broad-based energy tax. I am opposed to any such tax. Taxes on our domestic energy sources are bad for the economy, bad for Oklahoma, and bad for America. Increased taxes are not the answer to reducing our country's deficit. The President and Congress first need to significantly reduce Government spending before, if ever, asking Americans to give up more of their hard-earned income.

Imposing taxes on domestic energy are not the answer to our country's deficit problems. Nor do they reduce America's addiction to foreign oil. The bill I am introducing today, along with Senator BOREN, will not only provide revenues that can be used for deficit reduction, but will reduce our dependence on foreign oil as well as provide incentives to fully recover proven domestic reserves.

Today, the U.S. petroleum industry's drilling infrastructure is in imminent danger of collapse. The domestic producer operates in a country founded on free market principles, yet they find themselves as price-takers for their commodity. The market price is determined by nondomestic producers who seem intent on keeping the United States flooded with their imported oil and driving U.S. producers into extinction.

Because of the lack of a reliable and economical price at which domestic producers can sell their oil, and due to ever increasing costs, our country's explorers and producers cannot plan or afford new drilling activities. Domestic producers are forced into business decisions between operating wells at a loss or abandoning their production. Once a producing well has been plugged and abandoned the petroleum reservoir can no longer be used to produce oil or natural gas. This further aggravates our country's dependency on foreign oil. And low prices further erode our country's decaying drilling infrastructure. Unless we act now we will lose another 20,000 domestic wells, and 20 million barrels of production this year alone. Soon this country could have no domestic drilling infrastructure; we will be completely at the mercy of foreign producers for our petroleum energy needs.

The bill I am introducing today addresses this problem by providing for a floor price on imported oil. It establishes a $25 floor price for crude oil and a $28 floor price for petroleum products. The fee is based on the difference between the $25 floor and the weighted average international price for the preceding 4 weeks. This floor price will provide domestic producers a secure price upon which to obtain financing for continued domestic petroleum exploration activities, which are nearing all time low levels. Also, a $25 floor price would raise approximately $35 billion in federal revenues in the next 3 years, reduce consumption by an estimated 200,000 barrels per day, increase production by 300,000 barrels per day, and reduce oil imports by 500,000 barrels per day.

Currently 77 percent of this country's producing oil and natural gas wells are considered low volume, or stripper, wells. These are not wells that have been fully depleted of their reserves. Stripper wells are those properties which are no longer economic to produce due to the high costs of production and low wellhead prices. These wells comprise 15 percent of our Nation's proved petroleum reserves. Low volume wells provide more than 1 million out of the 7 million barrel total daily production.

Over the last 10 years 130,000 of these low volume producing wells have been abandoned. Once abandoned the property's proven petroleum reserves are permanently lost from further production. The Department of Energy projects that if current trends continue another 5.7 billion barrels of proved reserves will be lost due to abandonment in the next 2 years. Along with the lost production are lost jobs, and lost tax revenues from severance taxes, employment taxes, and income taxes. We must act today to prevent the loss of these revenues and stem the tide of growing more energy dependent on foreign suppliers.

Every barrel of domestic oil lost due to early abandonment of low volume wells means another barrel of imported oil. This Nation currently imports 46 percent of its petroleum needs. The costs of oil and natural gas production continues to rise, as they naturally do from inflationary forces. There is no commensurate rise in the sales price, due to the lack of a free market determining price. Producers are forced to abandon their low volume wells and either go out of business or take on risks by drilling new prospects to replace the lost production. It is shortsighted domestic energy security policy to allow producers to abandon their domestic reserves in favor of foreign oil.

The bill I am introducing will keep these marginally economic low volume wells producing energy by giving producers encouragement to operate their properties until the proved reserve is fully recovered. This will be accomplished by removing the net income limitation from the percentage depletion calculation. This will allow a producer the production related tax deduction intended by Congress, and will postpone the decision to abandon the property until full recovery of its proved reserve. This will provide the producer the needed funds to replace the fully depleted reserves with new domestic properties. The bill also provides an increase in the maximum rate of depletion for low volume wells. The maximum depletion rate provided in this bill is established at 27.5 percent and is subject to decrease to its current 15 percent rate if oil prices rise above $28 per barrel.

To encourage the domestic petroleum exploration industry and help rebuild the decaying petroleum drilling infrastructure, the bill provides an exploration and drilling credit. This will act to put many of the 400,000 Americans who have lost their petroleum related jobs in the last 10 years back to work in the search, and drilling for domestic reserves. The bill provides a 20-percent tax credit on the first $1 million of investment—10 percent for expenditures greater than $1 million—in qualified geological and geophysical costs, and drilling costs expended in the search for domestic reserves.

As an additional encouragement to continue producing from low volume wells, this bill provides a 20-percent tax credit for qualified production expenditures incurred in stripper well production. The credit would be available to any low volume well, other than those currently qualified under current law production credit provisions, for lease operating, and severance tax expenditures.

Many domestic low volume wells are older wells which have lost their natural production drives, which are the geologic forces which help lift the oil or natural gas to the surface. These wells could be returned to economic production through expensive reworking processes known as secondary or tertiary recovery projects. By applying these geological technologies, a producer can more fully deplete a known and proven reserve and achieve desired national energy independence and envi-

ronmental goals. The validity of tax policies providing such incentives has already been established, as evidenced by the current law allowance of a 15 percent credit for certain tertiary recovery projects. This bill expands the definition of qualified recovery projects to the secondary recovery projects performed by independent producers. The expanded definition includes horizontal drilling technologies.

Nearly all domestic production is high cost production, either because it is produced from remote regions of the country, or due to the deep production geology. The current statutory definition of a stripper well is an oil or natural gas well which produces less than 15 barrels of oil or natural gas equivalent per day. There are wells which produce amounts of oil and natural gas which are not productive at current lifting costs and oil prices. This bill expands the definition of stripper well to those wells producing up to 25 barrels of oil or natural gas equivalent per day.

This bill also encourages domestic exploration activity by adding certainty to the recovery of geological and geophysical costs by providing a 60-month amortization of costs incurred in the determination of the location or existence of new domestic reserves.

The domestic petroleum industry has always been, and continues to be, a good environmental steward. Many of the environmental protection costs incurred by these producers, as well as those in other industries, are penalized by unfavorable capital cost recovery treatment in the alternative minimum tax rules. This bill provides an exemption from alternative minimum tax for tangible, depreciable property which is placed in service for the protection, or the improvement of the environment.

These provisions are vital to the survival of this country's petroleum exploration and production industry. This country cannot afford to allow the continued erosion in its ability to fully produce and find new domestic reserves of oil and natural gas. The cost of not keeping our petroleum industry alive is much greater than the costs of becoming fully dependent on foreign oil.

With the apparent imminent imposition of a broad-based energy tax on the American public, it becomes even more critical that the provisions in this bill are enacted. We must preserve what is left of our domestic energy industry if we are ever to achieve our national goal of energy independence. The existence and survival of domestic producers is critical to all Americans. This bill will provide the needed stability and incentives to keep domestic producers producing. The sooner it is enacted, the better.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 374

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Energy Independence, Infrastructure, and Investment Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—ENERGY INDEPENDENCE INCENTIVES

SEC. 101. FEE ON IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 55—IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS

"Sec. 5891. Imposition of tax.

"Sec. 5892. Definitions.

"Sec. 5893. Registration.

"Sec. 5894. Procedures; returns; penalties.

"Sec. 5895. Adjustment for inflation.

"SEC. 5891. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of each barrel (or its equivalent) of—

"(A) any crude oil, or

"(B) any refined petroleum product,

that has been imported into the United States, and

"(2) the use within the United States of each barrel (or its equivalent) of—

"(A) any crude oil, or

"(B) any refined petroleum product,

that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) RATE OF TAX.—

"(1) CRUDE OIL.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax on any barrel (or its equivalent) shall be the excess, if any, of—

"(A) $25, over

"(B) the energy policy price per barrel of crude oil.

"(2) REFINED PETROLEUM PRODUCT.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax on any barrel (or its equivalent) shall be equal to—

"(A) $3, plus

"(B) the tax determined under paragraph (1) of this subsection.

"(3) FRACTIONAL PARTS OF BARRELS.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) DETERMINATION OF ENERGY POLICY PRICE.—

"(1) IN GENERAL.—For purposes of this section, the energy policy price with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) BASIS OF DETERMINATION.—For purposes of paragraph (1), the energy policy price for any week is the weighted average international price of a barrel of crude oil for the preceding 4 weeks as determined by the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, pursuant to the formula for determining such international price as used in publishing the Weekly Petroleum Status Report and as in effect on the date of the enactment of this section.

"(d) LIABILITY FOR PAYMENT OF TAX.—

"(1) SALES.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil or refined petroleum product within the United States.

"(2) USE.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil or refined petroleum product.

"(3) TAX-FREE EXPORTS.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, no tax shall be imposed under this chapter on the sale of crude oil or refined petroleum product for export or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT.—Where any crude oil or refined petroleum product has been sold free of tax under subparagraph (A), such subparagraph shall cease to apply with respect to the sale of such crude oil or refined petroleum product, unless, within the 6-month period which begins on the date of the sale, the seller receives proof that the crude oil or refined petroleum product has been exported.

"SEC. 5892. DEFINITIONS.

"For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than crude oil produced from a well located in the United States (within the meaning of section 638(2)) or a possession of the United States.

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) EXPORT.—The term 'export' includes shipment to a possession of the United States; and the term 'exported' includes shipment to a possession of the United States.

"SEC. 5893. REGISTRATION.

"Every person subject to tax under section 5891 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5894. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, the tax imposed by section 5891 shall be treated in the same manner as the tax imposed by section 4986 (as in effect before its repeal).

"SEC. 5890. ADJUSTMENT FOR INFLATION.

"In the case of any calendar year beginning after 1993, the dollar amount referred to in section 5886(b)(1)(A) and section 5886(b)(2)(A) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, by substituting 'calendar year 1992' for 'calendar year 1989' in subparagraph (B) thereof."

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"Chapter 55. Imported crude oil and refined petroleum products."

(c) DEDUCTIBILITY OF IMPORTED OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil taxes imposed by section 5891."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales and use of imported crude oil or refined petroleum products on or after the date of the enactment of this Act.

TITLE II—INFRASTRUCTURE INCENTIVES

SEC. 201. INCREASE IN PERCENTAGE DEPLETION FOR STRIPPER WELLS.

(a) IN GENERAL.—Subparagraph (C) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended—

(1) by striking "25 percent" and inserting "27.5 percent" in the matter preceding clause (i), and

(2) by striking "$20" and inserting "$28" in clause (ii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 202. NET INCOME LIMITATION ON PERCENTAGE DEPLETION REPEALED FOR OIL AND GAS PROPERTIES.

(a) IN GENERAL.—Section 613(a) (relating to percentage depletion) is amended by striking the second sentence and inserting: "Except in the case of oil and gas properties, such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowances for depletion)."

(b) CONFORMING AMENDMENT.—Section 613A(c)(7) (relating to special rules) is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 203. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

(a) CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding the following new section:

"SEC. 30A. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 20 percent of so much of the taxpayer's qualified investment for the taxable year as does not exceed $1,000,000, plus

"(2) 10 percent of so much of such qualified investment for the taxable year as exceeds $1,000,000.

"(b) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means amounts paid or incurred—

"(1) for geological and geophysical expenditures incurred for the purpose of ascertaining the existence, location, extent, or quality of any crude oil or natural gas deposit, including core testing and drilling test wells,

"(2) for the purpose of drilling and equipping crude oil and natural gas wells (including pollution control equipment used in connection with such wells), or

"(3) for the purpose of performing secondary or tertiary recovery techniques,

on properties located in the United States or in a possession of the United States as defined in section 638 (relating to Continental Shelf areas), but only to the extent that the expenditure is not a qualified cost under section 30B.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, 29, and 30.

"(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an oil and gas exploration and development credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an oil and gas exploration and development credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 18 taxable years to which such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION OF QUALIFIED INVESTMENT EXPENSES.—

"(A) CONTROLLED GROUPS; COMMON CONTROL.—In determining the amount of the credit under this section, all members of the same controlled group of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) shall be treated as a single taxpayer for purposes of this section.

"(B) APPORTIONMENT OF CREDIT.—The credit (if any) allowable by this section to members of any group (or to any person) described in subparagraph (A) shall be such member's or person's proportionate share of the qualified investment expenses giving rise to the credit determined under regulations prescribed by the Secretary.

"(2) PARTNERSHIPS, S CORPORATIONS, ESTATES AND TRUSTS.—

"(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership, the credit shall be allocated among partners under regulations prescribed by the Secretary. A similar rule shall apply in the case of an S corporation and its shareholders.

"(B) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ADJUSTMENTS FOR CERTAIN ACQUISITIONS AND DISPOSITIONS.—Under regulations prescribed by the Secretary, rules similar to the rules contained in section 41(f)(3) shall apply with respect to the acquisition or disposition of a taxpayer.

"(4) SHORT TAXABLE YEARS.—In the case of any short taxable year, qualified investment expenses shall be annualized in such circumstances and under such methods as the Secretary may prescribe by regulation.

"(5) DENIAL OF DOUBLE BENEFIT.—

"(A) DISALLOWANCE OF DEDUCTION.—Any deduction allowable under this chapter for any costs taken into account in computing the amount of the credit determined under subsection (a) shall be reduced by the amount of such credit attributable to such costs.

"(B) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditures shall be reduced by the amount of the credit so allowed."

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 30A. Crude oil and natural gas exploration and development credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of enactment of this Act in taxable years ending after such date.

SEC. 204. MARGINAL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.), as amended by section 203(a), is amended by adding the following new section:

"SEC. 30B. MARGINAL PRODUCTION CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year to the producer of eligible crude oil or eligible natural gas an amount equal to 20 percent of the qualified cost of each barrel of such oil or each barrel-of-oil equivalent of such gas (or fractional part thereof) produced during the taxable year.

"(b) QUALIFIED COST.—For purposes of this section, the term 'qualified cost' means, with respect to each barrel of eligible crude oil or each barrel-of-oil equivalent of eligible natural gas, the sum of—

"(1) such barrel's or barrel-of-oil equivalent's pro rata share of the lease operating expenses (other than business overhead expenses) paid or incurred by the producer of such barrel or barrel-of-oil equivalent during the taxable year in which such barrel or barrel-of-oil equivalent was produced, plus

"(2) the amount of severance tax paid or incurred by such producer with respect to such barrel or barrel-of-oil equivalent.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CRUDE OIL.—The term 'eligible crude oil' means domestic crude oil which is—

"(A) from a stripper well property,

"(B) heavy oil,

"(C) oil recovered through a tertiary recovery method, or

"(D) harsh environment oil.

"(2) ELIGIBLE NATURAL GAS.—The term 'eligible natural gas' means gas, other than gas qualifying for the credit under section 29, which is—

"(A) from a stripper well property, or

"(B) natural gas recovered through a tertiary recovery method.

"(3) OTHER DEFINITIONS.—

"(A) CRUDE OIL.—The term 'crude oil' has the meaning given to such term by the June 1979 energy regulations.

"(B) BARREL.—The term 'barrel' means 42 United States gallons.

"(C) BARREL-OF-OIL EQUIVALENT.—The term 'barrel-of-oil equivalent' with respect to any natural gas means that amount of such natural gas which has a Btu content of 5.8 million.

"(D) DOMESTIC.—The term 'domestic' when used with respect to crude oil, means crude oil produced from a property located in the United States or a possession of the United States.

"(E) UNITED STATES.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

"(F) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(G) STRIPPER WELL PROPERTY.—The term 'stripper well property' has the meaning given to such term by subparagraph (E) of section 613A(c)(6).

"(H) PROPERTY.—The term 'property' means property as defined in section 614.

"(I) HEAVY OIL.—The term 'heavy oil' means all crude oil which is produced from a property if crude oil produced and sold from such property during—

"(i) the last month before July 1979 in which crude oil was produced and sold from such property, or

"(ii) the taxable year had a weighted average gravity of 20 degrees API or less (corrected to 60 degrees Fahrenheit).

"(J) TERTIARY RECOVERY METHOD.—The term 'tertiary recovery method' means—

"(i) any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the October 1979 energy regulations, or

"(ii) any other method to provide tertiary enhanced recovery (including steam generation) which is approved by the Secretary for purposes of this section.

"(K) HARSH ENVIRONMENT OIL.—The term 'harsh environment oil' means oil produced from a property located north of the 49th parallel or under at least 400 feet of water.

"(L) SEVERANCE TAX.—The term 'severance tax' means a tax imposed by a State or political subdivision thereof with respect to the extraction of crude oil.

"(M) ENERGY REGULATIONS.—

"(i) IN GENERAL.—The term 'energy regulations' means regulations prescribed under section 4(a) of the Energy Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)).

"(ii) JUNE 1979 ENERGY REGULATIONS.—The June 1979 energy regulations shall be the terms of the energy regulations as such terms existed on June 1, 1979.

"(iii) OCTOBER 1979 ENERGY REGULATIONS.—The October 1979 Energy Regulations shall be the terms of the energy regulations as such terms existed on October 30, 1979.

"(iv) CONTINUED APPLICATION OF REGULATIONS AFTER DECONTROL.—Energy regulations shall be treated as continuing in effect without regard to decontrol of oil prices or any other termination of the application of such regulations.

"(d) SPECIAL RULE FOR OFFSHORE WELLS.—In the case of eligible crude oil or eligible natural gas produced from a property located under at least 400 feet (but less than 1,200 feet) of water, the percentage determined under the following table shall be substituted for '20 percent' in subsection (a):

"If distance (in feet) of the property under water is—		The percentage is—
At least	But less than	
400	600	5
600	900	10
900	1,200	15

"(e) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, 29, 30, and 30A.

"(2) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an oil and gas production credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an oil and gas production credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 18 taxable years to which such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year."

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by section 203(b), is amended by adding at the end thereof the following new item:

"Sec. 30B. Marginal production credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of enactment of this Act in taxable years ending after such date.

SEC. 205. EXPANSION OF ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Section 43(a) (relating to enhanced oil recovery credit) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of section 38, the enhanced oil recovery credit for any taxable year is an amount equal to—

"(1) 15 percent of the taxpayer's qualified enhanced oil recovery costs for such taxable year, plus

"(2) in the case of a taxpayer (other than an integrated oil company as defined in section 291(b)(4)), 15 percent of the taxpayer's advanced secondary recovery costs for such taxable year."

(b) ADVANCED SECONDARY RECOVERY COSTS, ETC.—Section 43(c) (defining qualified enhanced oil recovery costs) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) ADVANCED SECONDARY RECOVERY COSTS.—

"(A) IN GENERAL.—The term 'advanced secondary recovery costs' means any of the following:

"(i) Any amount paid or incurred during the taxable year for tangible property—

"(I) which is an integral part of a qualified advanced secondary recovery project, and

"(II) with respect to which depreciation (or amortization in lieu of depreciation) is allowable under this chapter.

"(ii) Any intangible drilling and development costs—

"(I) which are paid or incurred in connection with a qualified advanced secondary recovery project, and

"(II) with respect to which the taxpayer may make an election under section 263(c) for the taxable year.

"(iii) Any qualified secondary advanced injectant expenses which are paid or incurred in connection with a qualified advanced secondary recovery project.

"(B) QUALIFIED ADVANCED SECONDARY RECOVERY PROJECT.—The term 'qualified advanced secondary recovery project' means any project which meets the requirements of subparagraph (C) and which involves 1 of the following advanced secondary recovery methods:

"(i) A method which is used to produce unrecovered oil which remains in a reservoir after conventional production because of heterogeneity and mobility differences between oil and water.

"(ii) A reservoir characterization technique which pinpoints the location of new well sites without regard to traditional spacing requirements (including advanced well logging, advanced geophysical detection technologies, advanced geocellular reservoir computer modeling, and precision drilling).

"(iii) A drilling method in which the wellbore is deviated from the vertical by a short- or long-range radius technique at a direction parallel to the bedding plane.

"(iv) Any other advanced secondary recovery method approved by the Secretary for purposes of this section.

"(C) REQUIREMENTS FOR QUALIFIED ADVANCED SECONDARY RECOVERY PROJECT.—

"(i) IN GENERAL.—A project meets the requirements of a qualified advanced secondary recovery project if—

"(I) such project involves the application (in accordance with sound engineering principles) of 1 or more advanced secondary recovery methods which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered,

"(II) such project is located within the United States (within the meaning of section 638(1)), and

"(III) such project commences after December 31, 1992.

"(ii) CERTIFICATION.—A project shall not be treated as a qualified advanced secondary recovery project unless the operator submits to the Secretary (at such times and in such manner as the Secretary provides) a certification from a petroleum engineer that the project meets (and continues to meet) the requirements of clause (i)."

(c) NO DOUBLE CERTIFICATION.—Section 43(c), as amended by subsection (b), is amended by adding at the end thereof the following new paragraph:

"(6) ONLY 1 CERTIFICATION ALLOWED.—For purposes of this section, the term 'qualified enhanced oil recovery project' shall not include any project which is certified as a qualified advanced secondary recovery project under paragraph (3) and the term 'qualified advanced secondary recovery project' shall not include any project which is certified as an enhanced oil recovery project under paragraph (2)."

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (4) of section 43(c), as redesignated, is amended by inserting "and qualified advanced secondary recovery costs" after "qualified enhanced oil recovery costs".

(2) The heading for subsection (c) of section 43 is amended by inserting "AND QUALIFIED ADVANCED SECONDARY RECOVERY COSTS" after "COSTS".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply in the case of amounts paid or incurred in taxable years beginning after December 31, 1992.

(2) EXPANSION OF PROJECTS.—For purposes of section 43(c)(3)(C)(i)(III) of the Internal Revenue Code of 1986 (as added by subsection (b)), any significant expansion after December 31, 1992, of a project begun before January 1, 1993, shall be treated as a project which commences after December 31, 1992.

SEC. 206. EXPANSION OF STRIPPER WELL DEFINITION.

(a) IN GENERAL.—Clause (i) of section 613A(c)(6)(E) (defining stripper well property) is amended by striking "15" and inserting "25".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after the date of enactment of this Act in taxable years ending after such date.

TITLE III—INVESTMENT INCENTIVES

SEC. 301. AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL COSTS.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULE FOR CERTAIN GEOLOGICAL AND GEOPHYSICAL COSTS.—Geological and geophysical costs for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2)) shall be allowed as a deduction ratably over the 5-year period beginning with the taxable year in which such costs were paid or incurred."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to costs paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

SEC. 302. DEPRECIATION ADJUSTMENTS NOT TO APPLY TO ENVIRONMENTAL PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 56(a)(1) (relating to depreciation adjustments) is amended to read as follows:

"(B) EXCEPTION.—With respect to any oil or gas producer, this paragraph shall not apply to—

"(i) property described in paragraph (1), (2), (3), or (4) of section 168(f), or

"(ii) environmental improvement assets (as defined in section 59(k))."

(b) ENVIRONMENTAL IMPROVEMENT ASSETS.—Section 59 (relating to definition and special rules) is amended by adding at the end the following new subsection:

"(k) ENVIRONMENTAL IMPROVEMENT ASSETS.—

"(1) IN GENERAL.—For purposes of section 56(a)(1)(B)(ii), the term 'environmental improvement asset' means tangible property which is—

"(A) of a character subject to the allowance for depreciation provided in section 167 or is nondepreciable real property;

"(B) used for, or is functionally related to property used for, one or more of the following purposes—

"(i) source reduction,

"(ii) solid waste minimization,

"(iii) waste conversion or recycling,

"(iv) reduction of environmental hazards,

"(v) compliance with environmental permits, rules, and similar requirements,

"(vi) prevention, containment or control of unplanned releases, or

"(vii) the manufacture, distribution and sale of alternate fuels and blending stocks or fuel additives for reformulated fuels, and

"(C) located and used exclusively in the United States during the taxable year.

If only a portion of property described in subparagraphs (A) and (C) is described in subparagraph (B), such portion shall be treated as an environmental improvement asset.

"(2) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SOURCE REDUCTION.—The term 'source reduction' means reduction of the amount of regulated substances or other pollutants from fixed or mobile sources released into the environment if such reduction reduces hazards to public health or environment.

"(B) WASTE MINIMIZATION.—The term 'waste minimization' means the reduction in the generation of, or the recovery of commercially usable products from, residual materials which are classified as, or which if disposed would be classified as, solid wastes (within the meaning of the Resource Conservation and Recovery Act).

"(C) WASTE CONVERSION OR RECYCLING.—The term 'waste conversion or recycling' means the processing or conversion of liquid, solid, or gaseous wastes into fuel, energy, or other commercially usable products, and the production of such products if production occurs at the same facility as the conversion.

"(D) ABATEMENT OF ENVIRONMENTAL HAZARDS.—The term 'abatement of environmental hazards' includes the abatement, reduction, monitoring, or stabilization of potential human exposure to toxic chemicals, hazardous or extremely hazardous substances, or harmful radiation.

"(E) UNPLANNED RELEASES.—The term 'unplanned releases' means any release of regulated substances (except federally permitted releases), including indoor releases.

"(F) REGULATED SUBSTANCE.—The term 'regulated substance' includes any substance the release or emission of which is prohibited, limited, or regulated by Federal or State law or by Federal regulations (as determined without regard to whether a particular release would have been prohibited or limited).

"(G) RELEASE.—The term 'release' means any spilling, leaking, pouring, discharging, escaping, dumping, or disposing into the environment, including the abandonment or discarding of barrels or other closed receptacles."

(c) CONFORMING AMENDMENT.—Subparagraph (A) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vi) This subparagraph shall not apply to environmental improvement assets (as defined in section 59(k))."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 1992.●

● Mr. BOREN. Mr. President, too many people here in Washington and throughout the country fail to understand the critical role a healthy domestic oil and gas industry plays in our national security and economic well-being. In the past our Government has not adopted policies to strengthen this vital industry. And now we hear increasingly that the industry will be a primary source of revenue for the President's economic plan. Such policies ignore the economic crisis in the domestic oil and gas industry and threaten the very survival of a domestic supply of oil and gas.

The domestic picture is bleak. The United States oil and gas production industry has lost more than 400,000 jobs since its peak employment in 1982—more jobs than have been lost in the automobile, textile, steel, and electronics industries. The rig count—the measure of activity for the industry—continues to fall to all-time lows. In January, the national rig count had plummeted to 838, as compared to a count of 4,530 10 years ago. In my State of Oklahoma, the number of oil and gas wells drilled in 1992 dropped to the lowest level in 55 years.

As our domestic industry declines, this country must rely on foreign sources of oil and petroleum products to meet our needs. Last year, oil imports accounted for more than 50 percent of the Nation's trade deficit. Almost half of the oil and petroleum products consumed in America come from foreign suppliers. An energy policy that displays no awareness of the harm to our national security caused by such substantial dependence is shortsighted. Rather than undermining

our domestic energy industry, we must do all that we can to nurture it so that it plays a vital role in our economic recovery.

Last year, Congress took an important step in the right direction by passing as part of the comprehensive energy bill a provision that I introduced, along with Senator NICKLES, to change certain alternative minimum tax provisions that threatened to destroy the domestic independent oil and gas industry. An official at the Department of Energy estimated that this tax change had the potential of increasing domestic oil production by more than 50,000 barrels per day in this decade. But just as I am becoming more optimistic about the fate of the domestic industry, I learn that we face the real possibility of energy consumption taxes as a revenue source of the President's economic plan.

Mr. President, such sector-specific consumption taxes have a tendency to be unfair to certain regions. As I have stated frequently in the past, we cannot afford to embark on this path that will divide the country and the Congress along regional lines. We cannot afford policies that will undermine the tax relief we gave our beleaguered domestic industry only a few months ago. A bold comprehensive approach that takes advantage of our unique opportunity to transform the tax system to one that encourages savings and investment is preferable to a piecemeal approach.

Although I would prefer not to see energy consumption taxes as part of the Clinton economic package, I am also putting the Congress and the administration on notice that should such taxes be adopted, we must also adopt tax provisions to strengthen the domestic industry. Although all Americans are ready to sacrifice for the greater good of the country, that sacrifice cannot result in the destruction of a vital sector of the economy, the loss of thousands of jobs, and the further erosion of our energy independence. The Energy Independence, Infrastructure and Investment Act of 1993 can serve as a blueprint for a way to ensure that the domestic oil and gas industry can meet the challenge of the future and can continue to find new sources of oil and natural gas and develop those that are already in production.

In view of the current discussions of energy consumption taxes, Senator NICKLES and I determined that we should introduce The Energy Independence, Infrastructure and Investment Act of 1993 at this time. At the outset, this bill highlights our belief that, if energy is to serve as a revenue source for the Clinton economic proposal, the revenue should come from a floor price for imported oil. Not only will this provision raise needed revenue, but it will also serve to stabilize the price of oil and to reduce our dependence on foreign sources. I remain amazed that, despite the crisis in the Persian Gulf, this country has failed to come to grips with the threats inherent in its dependence on foreign oil. In addition, the lack of stability in oil prices through the mid-1980's has resulted in 25 percent less drilling than would have occurred had prices been perceived as stable.

The imported oil floor price will allow domestic producers a secure price of at least $25 per barrel. It has been estimated that such a price would raise nearly $35 billion in Federal revenues over the next 3 years. Moreover, the fee would reduce consumption by 200,000 barrels per day, increase production by 300,000 barrels per day, and reduce oil imports by 500,000 barrels per day.

Second, we want to provide our suggestions for tax changes that can further encourage the domestic oil and natural gas industry. Several of these proposals are designed to lengthen the lives of stripper wells, which represent 77 percent of this country's producing oil and gas wells and 15 percent of our Nation's proven petroleum reserves. Stripper wells are wells that have not been fully depleted of their reserves, but that may not be economic to produce given the high costs of production and low energy prices. Without meaningful incentives to keep these wells producing, drillers will cap them, and we will lose forever the oil and natural gas deep within them. Indeed, over the last 10 years, 130,000 of these low volume wells have been abandoned.

As my colleague has described in more detail, The Energy Independence, Infrastructure and Investment Act contains several provisions aimed at increasing the profitability of stripper wells. First, the bill would increase the allowance for percentage depletion allowed for stripper wells. Second, the legislation removes the net income limitation on percentage depletion so that producers may claim this tax advantage even if no profit is made from the sales of production. Third, the bill provides for a 20 percent production credit for marginal wells. Fourth, a very important provision expands the credit for enhanced oil recovery so that the credit can be taken for horizontal drilling and advanced secondary recovery techniques. Finally, we expand the definition of stripper well in the Tax Code so that more marginal production can qualify for favorable tax treatment.

The other proposals in the legislation are designed to encourage investment in the domestic oil and gas industry generally. To encourage the domestic petroleum exploration industry, the bill provides an exploration and drilling credit. The legislation provides a 20 percent tax credit on the first $1 million of investment—10 percent for expenditures greater than $1 million—in qualified geological and geophysical costs and in drilling costs related to finding domestic reserves. We also encourage domestic exploration by adding certainty to the recovery of geological and geophysical costs by providing 60-month amortization of costs incurred in the determination of the location or existence of new domestic reserves. Finally, we eliminate the currently unfavorable tax treatment of investment by domestic oil and gas producers in tangible, depreciable property designed to protect or improve the environment.

Mr. President, I look forward to working with my colleagues and the administration to pass responsible legislation that does not undermine our long-term interest in a strong domestic oil and gas industry.•

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 375. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

RIO GRAND DESIGNATION ACT OF 1993

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to amend the Wild and Scenic Rivers Act by designating an additional 12-mile segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System. I am pleased that my colleague, Senator DOMENICI, has joined with me in cosponsoring this bill.

You may recall that the Rio Grande in northern New Mexico was among the first rivers protected under the Wild and Scenic Rivers Act. We in New Mexico have a great regard for our free-flowing streams and we were eager for the designation. Water in our state is scarce, and the beauty of a flowing river is increased for us because of this scarcity.

This bill again shows the appreciation we have for our river resources. It will confer the designation scenic river, as provided for in the Wild and Scenic Rivers Act, for an additional 12 miles downstream from the southern terminus of the Rio Grande's existing designation. This will cover from the Taos Junction Bridge down to the village of Rinconada.

A majority of the lands in the proposed extension are public lands under the administration of the Bureau of Land Management. Private lands are centered around the village of Pilar for about 2 river miles, and at three locations downstream, totaling about 1¼ additional miles.

Mr. President, let me tell you about this 12-mile segment of river. Just south of the Taos Junction Bridge the river enters the Orilla Verde Recre-

ation Area, a stretch with several developed recreation sites and with some prime riparian areas which provide homes to a variety of birds and animals. State Highway 570 follows the river in this section. South of the recreation area, beginning just below Pilar, the river carves its way through deep, spectacular canyons. There are stretches of rapids in this part of the river. And, above the canyon, State Highway 64 runs, providing pullouts to watch both the activities on the river and the river taking its course below. River rafters, boaters, people fishing, photographers, hikers and rock climbers, campers—all use and enjoy the free-flowing Rio Grande along this 12-mile segment.

This bill will provide protection for this portion of the river from any new federally built, permitted, or licensed dams or other water resource projects which would have a direct and adverse effect on the free-flowing values of the Rio Grande.

The scenic designation which this legislation ensures that recreation uses will be consistent with protection of the river environment. Lands will be managed for a full range of agricultural and livestock grazing uses, consistent with current practices. Water quality will be maintained or improved and existing dams and diversions may be maintained in such a way as to assure that the character of the waterway will remain generally natural.

Because of the benefits a scenic designation can provide to both visitors and residents, the landowners along the river—public and private—support this designation. In fact, area residents requested, and we have included in this bill, language requiring BLM to study the feasibility of an additional wild and scenic river designation below the Rio Arriba County line. This bill will protect the values of the river that New Mexicans hold dear. The people who use the river, and those who live along it, will be assured of a beautiful, free-flowing stream for themselves and their children.

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

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

S. 375

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 "Rio Grande Designation Act of 1993".

SEC. 2. DESIGNATION OF SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) RIO GRANDE, NEW MEXICO.—The main stem from the southern boundary of the segment of the Rio Grande designated pursuant to paragraph (4), downstream approximately 12 miles to the west section line of Section 15, Township 23 North, Range 10 East, to be administered by the Secretary of the Interior as a scenic river.".

SEC. 3. DESIGNATION OF STUDY RIVER.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"( ) RIO GRANDE, NEW MEXICO.—The segment from the west section line of Section 15, Township 23 North, Range 10 East, downstream approximately 8 miles to the southern line of the northwest quarter of Section 34, Township 23 North, Range 9 East.".

(b) STUDY REQUIREMENTS.—Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"( ) The study of the Rio Grande in New Mexico shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. RIO GRANDE CITIZENS ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall establish the Rio Grande Citizens Oversight Review Board (referred to in this Act as the "Board") to advise the Secretary on matters pertaining to—

(1) the development and implementation of a management plan for the segment of the Rio Grande designated as a component of the National Wild and Scenic Rivers System pursuant to the amendment made by section 2; and

(2) the preparation of the study pursuant to the amendments made by section 3.

(b) COMPOSITION.—The Board shall consist of 11 members, appointed by the Secretary, of whom—

(1) 10 members shall be property owners along the segments of the Rio Grande designated and studied pursuant to the amendments made by this Act; and

(2) 1 member shall be a representative of the village of Pilar.

SEC. 5. WITHDRAWAL OF ORILLA VERDE RECREATION AREA.

(a) IN GENERAL.—Subject to valid existing rights, the lands described in subsection (b) are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

(b) LANDS.—

(1) DESCRIPTION.—The lands referred to in subsection (a) comprise an area known as the "Orilla Verde Recreation Area", totaling approximately 1,349 acres, which were conveyed by the State of New Mexico to the United States on July 23, 1980, April 20, 1990, and July 17, 1990, as generally depicted on the map entitled "Proposed Recreation Addition to Rio Grande Wild and Scenic River" and dated September 1992.

(2) PUBLIC ACCESS.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 6. COMPLETION OF PREHISTORIC TRACKWAYS STUDY.

The Secretary is authorized to contract with the Smithsonian Institution for the completion of the prehistoric trackways study required under section 303 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101-578).●

● Mr. DOMENICI. Mr. President, I am pleased to rise today to cosponsor legislation to amend the Wild and Scenic Rivers Act by designating an additional 12 miles of the Rio Grande River's main channel and a tributary for inclusion into the National Wild and Scenic Rivers System. I am pleased to cosponsor this legislation sponsored by Senator BINGAMAN, my colleague from New Mexico.

In 1968 nearly 50 miles of the Rio Grande River in northern New Mexico were designated as wild and scenic along with five other rivers in the original Wild and Scenic Rivers Act. We now have an excellent opportunity to add an additional 12 miles of truly wild and scenic river segment downstream from the already designated and protected Rio Grande River segment.

As you know, in order for a river to be included in the Wild and Scenic Rivers System, it must possess certain outstanding qualities, which are remarkable in their scenic, recreational, geologic, fishery, and wildlife, historic, and cultural values. The additional segment proposed for designation possesses these qualities.

The Rio Grande flows through the high New Mexican mesa in a deep canyon at the foot the Sangre de Cristo Mountains. The mesa country offers breathtaking panoramas and natural beauty, which is matched by the confined beauty of the high rimmed canyon surroundings. The additional proposed river segment contains formidable river rapids which hundreds of rafters and kayakers challenge and enjoy every spring and summer. The trails that wind within the canyon walls offer hiking and picknicking enjoyment most of the year.

When the additional 12-mile segment is added, over 60 miles will be included to the Rio Grande River System within New Mexico. The additional segment of river will extend downstream from the present designated segment to the town of Rinconada, NM, to include the Red River at the confluence of these two rivers.

Now is the time for action. The State of New Mexico and the Federal Government now possess almost all of the land that is required to complete the wild and scenic designation for this segment of river. The private lands that are within the proposed boundaries are minimal, so the amount of land that would have to be acquired is minimal. The passage of this legislation is desirable to meet the needs of Americans today and ensure availability of this precious resource for future generations to enjoy.

Mr. President, I urge the Senate to move expeditiously on this important legislation, to include the additional river segments of the Rio Grande River System within northern New Mexico in the National Wild and Scenic River System.●

By Mr. LAUTENBERG:

S. 376. A bill to prohibit the transfer of two or more handguns to an individual in any 30-day period; to the Committee on the Judiciary.

MULTIPLE HANDGUN TRANSFER PROHIBITION ACT OF 1993

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Multiple Handgun Transfer Prohibition Act of 1993, to limit handgun purchases to one per month.

Mr. President, the primary purpose of this bill is to address the problem of interstate gun running. Currently, many criminals are purchasing handguns in States with weak firearm laws and transporting them to other States with tougher laws. Virginia, for example, is the source of a significant portion of the guns used in crimes in several northeastern cities.

In response to this problem, Governor Douglas Wilder has proposed a one-per-month limit in Virginia. However, the problem goes beyond Virginia, and a nationwide limit is appropriate.

Under this legislation, an individual other than a licensed firearms dealer generally would be prohibited from purchasing more than one handgun in a 30-day period. Similarly, it would be unlawful for any dealer, importer, or manufacturer to transfer a handgun to any individual who has received a handgun within the last 30 days. Violators would be subject to a fine of up to $5,000 and a prison sentence of up to 1 year.

Mr. President, while a one-per-month handgun limit would help cut down on gun running, it would not create an unreasonable obstacle to legitimate sportsmen and sportswomen. No additional restrictions are proposed for firearms other than handguns, and individuals still would be allowed to purchase 12 handguns per year. Also, the legislation would provide an exception where an individual requires access to a handgun because of a threat to the life of the individual or of any member of the individual's family.

Mr. President, I do not claim that this bill will end all handgun violence. However, it is a reasonable and modest step in the right direction. I hope my colleagues will support the bill.

I ask unanimous consent that a copy of the legislation be printed in the RECORD at this point.

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

S. 376

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 "Multiple Handgun Transfer Prohibition Act of 1993".

SEC. 2. MULTIPLE HANDGUN TRANSFER PROHIBITION.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1)(A)(i) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer—

"(I) during any 30-day period, to transfer 2 or more handguns to an individual who is not licensed under section 923; or

"(II) to transfer a handgun to an individual who is not licensed under section 923 and who received a handgun during the 30-day period ending on the date of the transfer.

"(ii) It shall be unlawful for any individual who is not licensed under section 923 to receive 2 or more handguns during any 30-day period.

"(iii) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to transfer a handgun to an individual who is not licensed under section 923, unless, after the most recent proposal of the transfer by the individual, the transferor has—

"(I) received from the individual a statement of the individual containing the information described in paragraph (3);

"(II) verified the identification of the individual by examining the identification document presented; and

"(III) within 1 day after the individual furnishes the statement, provided a copy of the statement to the chief law enforcement officer of the place of residence of the individual.

"(B) Subparagraph (A) shall not apply to the transfer of a handgun to, or the receipt of a handgun by, an individual who has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the individual during the 10-day period ending on the date of the transfer or receipt, which states that the individual requires access to a handgun because of a threat to the life of the individual or of any member of the household of the individual.

"(2) Paragraph (1) shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The statement referred to in paragraph (1)(A)(iii)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual and a description of the identification used;

"(B) a statement that the individual—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions;

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship; and

"(viii) has not received a handgun during the 30-day period ending on the date of the statement;

"(C) the date the statement is made; and

"(D) notice that the individual intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after the transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, with respect to an individual in a report under this subsection shall not disclose such information except to the individual, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6) In the case of a handgun transfer to which paragraph (1)(A) applies—

"(A) the transferor shall retain—

"(i) the copy of the statement of the transferee with respect to the transfer; and

"(ii) evidence that the transferor has complied with paragraph (1)(A)(iii)(III) with respect to the statement; and

"(B) the chief law enforcement officer to whom a copy of a statement is sent pursuant to paragraph (1)(A)(iii)(III) shall retain the copy for at least 30 calendar days after the date the statement was made.

"(7) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

"(8) This subsection shall not apply to the sale of a firearm in the circumstances described in subsection (c).

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) HANDGUN DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(c) PENALTY.—Section 924(a) of such title is amended—

(1) in paragraph (1), by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following:

"(5) Whoever knowingly violates section 922(s) shall be fined not more than $5,000, imprisoned for not more than one year, or both.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to conduct engaged in 90 or more days after the date of the enactment of this Act.•

By Mr. GRAMM (for himself and Mr. LOTT):

S. 377. A bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

BALANCED BUDGET IMPLEMENTATION ACT

Mr. GRAMM. Madam President, I have sent to the desk a bill that I be-

lieve is very important. I have taken seriously the request of my colleagues and people in the media that those of us who are strong proponents of the balanced budget amendment to the Constitution should outline the mechanism that we would employ to balance the budget if Congress should adopt and the States should ratify the balanced budget amendment to the Constitution.

What I have sent to the desk is a bill entitled the Balanced Budget Implementation Act that answers that request. This bill, being introduced today in the House by Congressman DICK ARMEY, is a comprehensive plan to balance the budget by the end of the century.

I would like to briefly outline what this bill does and how it works.

In working with Senator LOTT here in the Senate and with Congressmen DICK ARMEY and JOHN KASICH in the House, we have attempted to assemble a comprehensive program to force Congress and the President to make difficult choices and to achieve a balanced budget in the remaining 7 years of this century. Basically, this bill is composed of some new ideas, but it also attempts to go back and look at ideas that have been proposed in the past.

The first title of the bill has to do with correcting a problem that has existed since 1974. In 1974, Congress passed the Budget and Impoundment Act, which first, took away from President Nixon the power to impound money that Congress had appropriated and second, established a totally independent budgetary process in the Congress. Since 1974, we have had the unusual circumstance where the executive branch has operated off its budget, where Congress has operated off its budget, and often those two budgets have had relatively little to do with each other.

So, the first reform is to require the President to submit a budget, to have the Congress then formally amend the President's budget and send it back to the President as a joint resolution which the President must sign into law. This would give us one unified budget agreed to by the President and by the Congress where we would all be committed to the same document and to the same numbers. I think it is a very important reform, and, quite frankly, Madam President, I do not think it ought to be very controversial.

The second reform is a very important one and a very powerful idea. Many States around the country have used it. It was first proposed seriously in Washington, DC, by President Jimmy Carter in 1977, and that is zero-based budgeting.

The Carter proposal ended up not being adopted by Congress in part because many saw it as requiring the sunsetting of programs on an annual basis, therefore being unworkable. What we have done is to capture this fundamental idea that we need to reinvent government, that we need to go back and look at programs that were adopted 50 and 75 years ago and ask the question: Do these programs now meet the national need and how do they stand in relative priority to the new and emerging needs of the country?

How this would work is that in the first 2 years of this 7-year process to balance the budget, all unearned benefits, both entitlement and discretionary programs, defense and nondefense, would be deauthorized or sunset. Earned benefits, or benefits people pay for or earn—for example, Federal retirement, Social Security benefits you pay for—are permanent. Benefits you earn through service like veterans' benefits or benefits you earn as a fireman or a policeman—for example, if someone's spouse is killed in the line of duty, they are permanent. These are earned benefits, earned by service or payment, and would not be affected by this process.

But what would happen is that every discretionary program and the vast majority of the entitlements, which are unearned, would be sunset in fiscal year 1994 and fiscal year 1995, and they would have to be reauthorized in order to be appropriated. At any given time as many as 20 percent of the programs in the Federal Government are not authorized. Every program that did not represent an earned benefit would have to be authorized or it could not be appropriated.

What would be the advantage of this? Well, having locked ourselves into a 7-year process to balance the budget, having to go back and rewrite programs ranging from the farm program to aid to families with dependent children, those programs would finally be subject to a thorough and complete review under circumstances when we know we have to make hard choices. The governors, both Democrats and Republicans, demand reform in programs like AFDC and Medicaid, and if we had to reauthorize those programs, those reforms would occur.

There is no doubt about the fact that the farm program, if it were to be sunsetted and had to be completely readopted, could never be written in the form it is written today.

This I think is a very important reform. And at a time when the buzzword is let us reinvent government, what this would do is force a thorough rethinking of all of the programs of the Federal Government, and would require a strong consensus to continue a program because it would have to be adopted by both Houses of Congress and signed by the President.

In addition to starting off the process to balance the budget over a 7-year period with sunsetting, this 2-year process would be repeated every time we did a census—every 10 years in the Congress that comes into session after the census and reapportionment. Every decade after the census you would go through the same sunsetting process so once every 10 years every unearned benefit of the Federal Government would have to be reviewed, would have to be reauthorized, or it could not be appropriated.

The third reform is the entitlement cap proposed by President Bush, which simply says we ought to have a limit on the growth of overall entitlements other than Social Security. That limit is the growth rate of Social Security, which is determined by the population which becomes eligible and the Consumer Price Index. Any time the aggregate of entitlements grows faster than this limit, Congress would have to go back and reform the entitlement, bringing it back within the cap, or face an across-the-board cut. This would force Congress to deal with the exploding cost of programs like Medicare and Medicaid.

I believe—and I share this view with our new President—there is no possibility that we are going to deal with the deficit problem over the long term unless we do something about the exploding cost of Medicare and Medicaid. And there is no way we can do that without dealing with the underlying problems in the health care market, basically by trying to make the system more efficient and more competitive.

The final part of the bill has to do with revitalizing Gramm-Rudman. It takes the commitment the President made in the campaign of reducing the deficit by 50 percent during his 4-year term, updates that for the fact that in August, before the election, both CBO and OMB updated the deficit projection. Therefore, in setting fixed targets, we take the Clinton commitment in the campaign of a 50-percent reduction in the deficit, divide that up over 4 years, and set fixed targets for deficit reduction exactly the same as we had under the old Gramm-Rudman law.

So, the deficit target for 1994 would be $255 billion; 1995 would be $219 billion; 1996 would be $183 billion; 1997, $147 billion. That would be consistent with what the President is committed to. Then we would add targets for 1998, 1999, and the year 2000, and those targets would be $98 billion, $49 billion, and zero.

These new fixed deficit reduction targets would operate exactly as the old fixed targets did under Gramm-Rudman until Gramm-Rudman was repealed in the 1990 Budget Act. It would mandate that the President submit budgets that meet these targets. It would make budgets out of order that did not meet the targets. It would require a 60-vote margin in the Senate and a 60-percent vote margin in the House to waive these points of order. And these budget deficit targets would be enforced by the Gramm-Rudman sequester process.

So, what we would do is set out the fixed targets for deficit reduction to achieve a balanced budget by the turn of the century. We would mandate that budget plans be adopted by the President and approved by the Congress. We would institute zero-based budgeting to force every existing program that did not represent an earned benefit paid for or earned through service to be reauthorized as part of our effort to review what Government is doing and whether or not we are meeting the needs of the country. We would impose limits on the aggregate totals of entitlements other than Social Security and we would set into place fixed targets to balance the budget by the end of this century.

I believe if this bill were adopted we would be forced to make hard decisions. We would eliminate the situation where people with different philosophies and different viewpoints can simply differ and nothing ever happens.

What this bill would do is put the fat in the fire and then we would have to figure out how to put it out in order to meet these targets and in order to see deficits decline.

I submit that, had the President last night introduced a plan like this, that rather than the market falling by 85 points today, and rather than interest rates going up and bond prices going down, that exactly the opposite would have happened.

Instead, what we heard last night was the ultimate status quo which is we ought to go on taxing and go on spending. I do not believe that is going to deal with the problem and therefore I have submitted this bill.

I do not expect a great rush of Congress to adopt this bill but I have no doubt that we are going to quickly conclude that we cannot get home by the path that has been outlined in the President's new budget. I am hopeful when the debt ceiling is on the floor of the Senate, when the bill collector is at the door and we have to raise the debt ceiling to pay our bills, that we will adopt the balanced budget amendment to the Constitution. And I have no doubt, once having made that commitment to the American people, we will have exactly this kind of program in place to see it happen.

I ask unanimous consent that both the outline and the bill be printed in the RECORD.

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

S. 377

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 "Balanced Budget Implementation Act".

SEC. 2. EFFECTIVE DATES.

Except as otherwise specified, this Act and the amendments made by it shall take effect on its date of enactment and shall apply to fiscal year 1993 and subsequent fiscal years.

TITLE I—JOINT BUDGET RESOLUTION

SEC. 101. JOINT BUDGET RESOLUTION.

(a) DEFINITIONS.—Paragraph (4) of section 3 of the Congressional Budget Act of 1974 is amended to read as follows:

"(4) the term 'joint resolution on the budget' means—

"(A) a joint resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 301; and

"(B) any other joint resolution revising the congressional budget for the United States Government for a fiscal year as described in section 304.".

(b) JOINT RESOLUTION ON THE BUDGET.—(1) Section 300 is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(2) Section 301(a) of the Congressional Budget Act of 1974 is amended by striking "concurrent resolution" each place it appears including in the caption and inserting "joint resolution".

(3) Section 301(b) is amended by striking "concurrent resolution" each place it appears including in the caption and inserting "joint resolution".

(4) Section 301(c) is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(5) Section 301(e) is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(6) Section 301(f) is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(7) Section 301(g) is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(8) Section 301(h) is amended by striking "concurrent resolution" and inserting "joint resolution".

(9) Section 301(i) is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(10) The section heading of section 301 is amended by striking "**ANNUAL ADOPTION OF CONCURRENT**" and inserting "**ANNUAL ADOPTION OF JOINT**".

(11) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual adoption of the concurrent" in the item relating to section 301 and inserting "Annual adoption of the joint".

(12) Section 302 is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(13) Section 303, including the heading, is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(14) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Concurrent" in the item relating to section 303 and inserting "Joint".

(15) Section 304 is amended by striking "concurrent resolution", including in the heading, each place it appears and inserting "joint resolution".

(16) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Concurrent" in the item relating to section 304 and inserting "Joint".

(17) Section 305 is amended by striking "concurrent resolution", including in the heading, each place it appears and inserting "joint resolution".

(18) Section 308 is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(19) Section 310 is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

(20) Section 311 is amended by striking "concurrent resolution" each place it appears and inserting "joint resolution".

TITLE II—ZERO BASED BUDGETING AND DECENNIAL SUNSETTING

SEC. 201. REAUTHORIZATION OF DISCRETIONARY PROGRAMS AND UNEARNED ENTITLEMENTS.

(a) FISCAL YEAR 1994.—Effective October 1, 1993, spending authority for each unearned entitlement and high-cost discretionary spending program is terminated unless such spending authority is reauthorized after the date of enactment of this Act.

(b) FISCAL YEAR 1995.—Effective October 1, 1994, spending authority for each discretionary spending program (not including high-cost discretionary spending programs) is terminated unless such spending authority is reauthorized after the date of enactment of this Act.

(c) DEFINITIONS.—For purposes of this title—

(1) the term "unearned entitlement" means an entitlement not earned by service or paid for in total or in part by assessments or contributions such as Social Security, veterans' benefits, retirement programs, and medicare; and

(2) the term "high-cost discretionary program" means the most expensive one-third of discretionary program within each budget function account.

SEC. 202. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that appropriates funds unless such appropriation has been previously authorized by law.

(b) WAIVER OR SUSPENSION.—This section may be waived or suspended in the House of Representatives or the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

SEC. 203. DECENNIAL SUNSETTING.

(a) FIRST DECENNIAL CENSUS YEAR.—Effective on the first day of the fiscal year beginning in the first decennial census year after the year 2000 and each 10 years thereafter, the spending authority described in section 201(a) is terminated unless such spending authority is reauthorized after the last date the spending authority was required to be reauthorized under this title.

(b) FIRST DECENNIAL CENSUS YEAR.—Effective on the first day of the fiscal year beginning in the year after the first decennial census year after the year 2000 and each 10 years thereafter, the spending authority described in section 201(b) is terminated unless such spending authority is reauthorized after the last date the spending authority was required to be reauthorized under this title.

TITLE III—SPENDING CAPS ON THE GROWTH OF ENTITLEMENTS FOR FISCAL YEARS 1994 THROUGH 2000

SEC. 301. SPENDING CAPS ON GROWTH OF ENTITLEMENTS AND MANDATORIES.

(a) CAP ON GROWTH OF ENTITLEMENTS.—Effective for each of the fiscal years 1994 through 2000, the total level of entitlement and mandatory spending, excluding Social Security, shall not exceed the total level for the previous fiscal year increased by the consumer price index, and the growth in eligible population.

(b) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session, and on

the same day as a sequestration (if any) under title IV (pursuant to the amendments made by such title), there shall be a sequestration to reduce the amount of entitlement and mandatory spending for the fiscal year beginning in the year the Congress adjourns by any amount necessary to reduce such spending to the level set forth in subsection (a) unless that amount is less than $250,000,000.

(c) UNIFORM REDUCTIONS; LIMITATIONS.—The amount required to be sequestered for the fiscal year under subsection (a) shall be obtained from nonexempt direct spending accounts by actions taken in the following order:

(1) FIRST.—The reductions in the programs specified in section 303(a) (National Wool Act and special milk), section 303(b) (guaranteed student loans), and section 303(c) (foster care and adoption assistance) shall be made.

(2) SECOND.—Any additional reductions that may be required shall be achieved by reducing each remaining nonexempt direct spending account by the uniform percentage necessary to achieve those additional reductions, except that—

(A) the low-income programs specified in section 303(d) shall not be reduced by more than 1 percent;

(B) the retirement and veterans benefits specified in section 303(e) shall not be reduced by more than 2 percent in the manner specified in that section; and

(C) the medicare programs shall not be reduced by more than 4 percent in the manner specified in section 303(f).

The limitations set forth in subparagraphs (A), (B), and (C) shall be applied iteratively, and after each iteration the uniform percentage applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the reductions required by this paragraph.

SEC. 302. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESCRIPTIONS AND LISTS.—Except as provided in subsection (b), the following budget accounts or activities shall be exempt from sequestration—

(1) net interest;

(2) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

(3) all payments from one Federal direct spending budget account to another Federal budget account; and all intragovernmental funds including those from which funding is derived primarily from other Government accounts, except to the extent that such funds are augmented by direct appropriations for the fiscal year for which the order is in effect;

(4) activities resulting from private donations, bequests, or voluntary contributions to the Government;

(5) payments from any revolving fund or trust-revolving fund (or similar activity) that provides deposit insurance or other Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

(6) credit liquidating and financing accounts;

(7) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed—

Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-806);

Bureau of Indian Affairs, miscellaneous payments to Indians (14-2303-0-1-452);

Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14-9973-0-7-999);

Claims, defense;

Claims, judgments, and relief act (20-1895-0-1-806);

Compact of Free Association, economic assistance pursuant to Public Law 99-658 (14-0415-0-1-806);

Compensation of the President (11-0001-0-1-802);

Customs Service, miscellaneous permanent appropriations (20-9992-0-2-852);

Eastern Indian land claims settlement fund (14-2202-0-1-806);

Farm Credit System Financial Assistance Corporation, interest payments (20-1850-0-1-351);

Internal Revenue collections of Puerto Rico (20-5737-0-2-852);

Panama Canal Commission, operating expenses and capital outlay (95-5190-0-2-403);

Payments of Vietnam and USS Pueblo prisoner-of-war claims (15-0104-0-1-153);

Payments to copyright owners (03-5175-0-2-376);

Payments to the United States territories, fiscal assistance (14-0418-0-1-801);

Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801);

Salaries of Article III judges;

Soldier's and Airmen's Home, payment of claims (84-8930-0-7-705);

Washington Metropolitan Area Transit Authority, interest payments (46-0300-0-1-401).

(8) the following noncredit special, revolving, or trust-revolving funds—

Coinage profit fund (20-5811-0-2-803);

Comptroller of the Currency;

Director of the Office of Thrift Supervision;

Exchange Stabilization Fund (20-4444-0-3-155);

Federal Housing Finance Board;

Foreign Military Sales trust fund (11-82232-0-7-155);

(9) Thrift Savings Fund;

(10) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(11)(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act; and

(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account;

(12) the earned income tax credit (payments to individuals pursuant to section 32 of the Internal Revenue Code of 1986).

(b) FEDERAL ADMINISTRATIVE EXPENSES.—

(1) Notwithstanding any provision of law other than paragraph (3), administrative expenses incurred by the departments and agencies, including independent agencies, of the Federal Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to any sequestration order, without regard to any exemption, exception, limitation, or special rule otherwise applicable with respect to such program, project, activity, or account, and regardless of whether the program, project, activity, or account is self-supporting and does not receive appropriations.

(2) Payments made by the Federal Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall not be considered administrative expenses of the Federal Government for purposes of this section, and shall be subject to sequestration to the extent (and only to the extent) that other payments made by the Federal Government under or in connection with that program, project, activity, or account are subject to that reduction or sequestration; except that Federal payments made to a State as reimbursement of administrative costs incurred by that State under or in connection with the unemployment compensation programs specified in subsection (a)(11) shall be subject to reduction or sequestration under this part notwithstanding the exemption otherwise granted to such programs under that subsection.

(3) Notwithstanding any other provision of law, the administrative expenses of the following programs shall be exempt from sequestration:

(A) Comptroller of the Currency.

(B) Federal Deposit Insurance Corporation.

(C) Office of Thrift Supervision.

(D) National Credit Union Administration.

(E) National Credit Union Administration, central liquidity facility.

(F) Federal Retirement Thrift Investment Board.

(G) Resolution Funding Corporation.

(H) Resolution Trust Corporation.

(I) Board of Governors of the Federal Reserve System.

SEC. 303. EXCEPTIONS, LIMITATIONS, AND SPECIAL RULES.

(a) NATIONAL WOOL ACT AND THE SPECIAL MILK PROGRAM.—Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

(1) National Wool Act; and

(2) Special milk program.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any sequestration order.

(b) THE GUARANTEED STUDENT LOAN PROGRAM.—(1) Any reductions which are required to be achieved from the student loan programs operated pursuant to part B of title IV of the Higher Education Act of 1965 under any sequestration order shall be achieved only from loans described in paragraphs (2) and (3) by the application of the measures described in such paragraphs.

(2) For any loan made during the period beginning on the date that a sequestration order takes effect with respect to a fiscal year, the rate used in computing the special allowance payment pursuant to section 438(b)(2)(A)(iii) of such Act for each of the first four special allowance payments for such loan shall be adjusted by reducing such rate by the lesser of—

(A) 0.40 percent, or

(B) the percentage by which the rate specified in such section exceeds 3 percent.

(3) For any loan made during the period beginning on the date that a sequestration order takes effect with respect to a fiscal year, the origination fee which is authorized to be collected pursuant to section 438(c)(2) of such Act shall be increased by 0.50 percent.

(c) FOSTER CARE AND ADOPTION ASSISTANCE PROGRAMS.—Any sequestration order shall make the reduction otherwise required under

the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act (for such fiscal year) for that portion of the State's payments attributable to the increases taking effect during that year. No State's matching payments from the Federal Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage. No State may, after the date of the enactment of this Act, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

(d) LOW-INCOME ENTITLEMENTS.—(1) Benefit payments or payments to States or other entities for the programs listed in paragraph (2) shall not be reduced by more than 1 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) The programs referred to in paragraph (1) are the following:

Aid to families with dependent children (75-0412-0-1-609);

Child nutrition (12-3539-0-1-605);

Food stamp programs (12-3505-0-1-605) and (12-3550-0-1-605);

Grants to States for medicaid (75-0512-0-1-551); and

Supplemental security income program (75-0406-0-1-609);

(e) FEDERAL RETIREMENT AND VETERANS' PROGRAMS.—

(1) For each of the programs listed in paragraph (2) and except as provided in paragraph (3), monthly (or other periodic) benefit payments shall be reduced by the uniform percentage applicable to direct spending sequestrations for such programs under section 301(c)(2), which shall in no case exceed 2 percent under any sequestration order. When reduced under an end-of-session sequestration order, those benefit reductions shall occur starting with the payment made at the start of January or 7 weeks after the order is issued, whichever is later. When reduced under a within-session sequestration order, those benefit reductions shall occur starting with the next periodic payment.

(2) The programs subject to paragraph (1) are:

Benefits payable under sections 3(a), 3(f)(3), 4(a), or 4(f) of the Railroad Retirement Act of 1974;

Benefits under chapter 21 of title 38, United States Code, relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities (36-0137-0-1-702);

Benefits under section 907 of title 38, United States Code, relating to burial benefits for veterans who die as a result of service-connected disability (36-0155-0-1-701);

Benefits under chapter 39 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces (36-0137-0-1-702);

Black lung benefits (20-8144-0-7-601);

Central Intelligence Agency retirement and disability system fund (56-3400-0-1-054);

Civil service retirement and disability fund (24-8135-0-7-602);

Comptrollers general retirement system (05-0107-0-1-801);

Foreign service retirement and disability fund (19-8186-0-7-602);

Judicial survivors' annuities fund (10-8110-0-7-602);

Longshoremen's and harborworkers' compensation benefits (16-9971-0-7-601);

Military retirement fund (97-8097-0-7-602);

National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306);

Pensions for former Presidents (47-0105-0-1-802);

Railroad retirement tier II (60-8011-0-7-601);

Railroad supplemental annuity pension fund (60-8012-0-7-602);

Retired pay, Coast Guard (69-0241-0-1-403);

Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0379-0-1-551);

Special benefits, Federal Employees' Compensation Act (16-1521-0-1-600);

Special benefits for disabled coal miners (75-0409-0-1-601);

Tax Court judges survivors annuity fund (23-8115-0-7-602);

Veterans' compensation (36-0153-0-1-701); and

Veterans' pensions (36-0154-0-1-701).

(f) MEDICARE PROGRAM.—

(1) CALCULATION OF REDUCTION IN INDIVIDUAL PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by section 301, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act for services furnished after any sequestration order is issued shall be such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that fiscal year as determined on a 12-month basis.

(2) TIMING OF APPLICATION OF REDUCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

(B) PAYMENT ON THE BASIS OF COST REPORTING PERIODS.—In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs after the effective date of the order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs after the effective date of the order.

(3) NO INCREASE IN BENEFICIARY CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made under paragraph (1) for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

(4) NO EFFECT ON COMPUTATION OF AAPCC.—In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act, the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this subtitle.

(g) FEDERAL PAY.—

(1) IN GENERAL.—Except as provided in section 302(b)(3), new budget authority to pay Federal personnel shall be reduced by the uniform percentage calculated under section 301(c), but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "statutory pay system" shall have the meaning given that term in section 5302(1) of title 5, United States Code.

(B) The term "elements of military pay" means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

(iii) cadet pay and midshipman pay under section 203(c) of such title.

(C) The term "uniformed services" shall have the meaning given that term in section 101(3) of title 37, United States Code.

(h) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in expenditures under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(i) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under an order issued under this title by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

(2) A reduction by a State in accordance with subparagraph (A) shall not be consid-

ered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1954.

(j) COMMODITY CREDIT CORPORATION.—

(1) POWERS AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION.—This title shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

(2) REDUCTION IN PAYMENTS MADE UNDER CONTRACTS.—(A) Payments and loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time any sequestration order has been issued shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after any sequestration order is issued for a fiscal year, any cash payments made by the Commodity Credit Corporation—

(i) under the terms of any one-year contract entered into in or after such fiscal year and after the issuance of the order; and

(ii) out of an entitlement account,

to any person (including any producer, lender, or guarantee entity) shall be subject to reduction under the order.

(B) Each contract entered into with producers or producer cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, contracts applicable to a crop of a commodity have been entered into prior to the issuance of any sequestration order, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for succeeding crops of the commodity, under the authority provided in paragraph (3).

(3) DELAYED REDUCTION IN OUTLAYS PERMISSIBLE.—Notwithstanding any other provision of this title, if any sequestration order is issued with respect to a fiscal year, any reduction under the order applicable to contracts described in paragraph (2) may provide for reductions in outlays for the account involved to occur in the fiscal years following the fiscal year to which the order applies.

(4) UNIFORM PERCENTAGE RATE OF REDUCTION AND OTHER LIMITATIONS.—All reductions described in paragraph (2) that are required to be made in connection with any sequestration order with respect to a fiscal year—

(A) shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order; and

(B) with respect to commodity price support and income protection programs, shall be made in such manner and under such procedures as will attempt to ensure that—

(i) uncertainty as to the scope of benefits under any such program is minimized;

(ii) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

(iii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the President shall take into consideration that reductions under an order may apply to programs for two or more agricultural commodities that use the same type of production or marketing resources or that are alternative commodities among which a producer could choose in making annual production decisions.

(5) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this title shall limit or reduce in any way any appropriation that provides the Commodity Credit Corporation with funds to cover the Corporation's net realized losses.

(k) THE JOBS PORTION OF AFDC.—

(1) FULL AMOUNT OF SEQUESTRATION REQUIRED.—Any sequestration order shall accomplish the full amount of any required reduction of the job opportunities and basic skills training program under section 402(a)(19), and part F of title VI, of the Social Security Act, in the manner specified in this subsection. Such an order may not reduce any Federal matching rate pursuant to section 403(l) of the Social Security Act.

(2) NEW ALLOTMENT FORMULA.—

(A) GENERAL RULE.—Notwithstanding section 403(k) of the Social Security Act, each State's percentage share of the amount available after sequestration for direct spending pursuant to section 403(l) of such Act shall be equal to that percentage of the total amount paid to the States pursuant to such section 403(l) for the prior fiscal year that is represented by the amount paid to such State pursuant to such section 403(l) for the prior fiscal year, except that a State may not be allotted an amount under this subparagraph that exceeds the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

(B) REALLOTMENT OF AMOUNTS REMAINING UNALLOTTED AFTER APPLICATION OF GENERAL RULE.—Any amount made available after sequestration for direct spending pursuant to section 403(l) of the Social Security Act that remains unallotted as a result of subparagraph (A) of this paragraph shall be allotted among the States in proportion to the absolute difference between the amount allotted, respectively, to each State as a result of such subparagraph and the amount that would have been allotted to such State pursuant to section 403(k) of such Act had the sequestration not been in effect, except that a State may not be allotted an amount under this subparagraph that results in a total allotment to the State under this paragraph of more than the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

(l) POSTAL SERVICE FUND.—Notwithstanding any other provision of law, any sequestration of the Postal Service Fund shall be accomplished by a payment from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall make the full amount of that payment during the fiscal year to which the presidential sequestration order applies.

(m) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

(1) Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled.

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

(4) Except as otherwise provided, obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.

SEC. 304. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that has the effect of modifying the application of this title to any entitlement program subject to sequestration or exempt from sequestration under this title.

(b) WAIVER OR SUSPENSION.—This section may be waived or suspended in the House of Representatives or the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

TITLE IV—BALANCED BUDGET BY FISCAL YEAR 2000

SEC. 401. REDUCTION OF MAXIMUM DEFICIT AMOUNT TO ZERO.

(a) IN GENERAL.—Section 601(a)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) MAXIMUM DEFICIT AMOUNT.—The term 'maximum deficit amount' means—

"(A) with respect to fiscal year 1994, $255,000,000,000;

"(B) with respect to fiscal year 1995, $219,000,000,000;

"(C) with respect to fiscal year 1996, $183,000,000,000;

"(D) with respect to fiscal year 1997, $147,000,000,000;

"(E) with respect to fiscal year 1998, $98,000,000,000;

"(F) with respect to fiscal year 1999, $49,000,000,000; and

"(G) with respect to fiscal year 2000 and fiscal years thereafter, zero.".

(b) RESTORATION OF FIXED MAXIMUM DEFICIT AMOUNTS.—Section 253(g) of the Balanced Budget and Emergency Deficit Control Act is amended by striking paragraph (1)(B).

SEC. 402. MAXIMUM DEFICIT AMOUNT POINT OF ORDER.

(a) MDA POINT OF ORDER.—Section 605(b) of the Congressional Budget Act of 1974 is amended to read as follows:

"(b) MAXIMUM DEFICIT POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any

provision that would result in a deficit for a fiscal year that exceeds the maximum deficit amount for such fiscal year.

"(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the House of Representatives or the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.".

(b) LIMIT ON PUBLIC DEBT.—Section 605 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"(c) LIMIT ON PUBLIC DEBT.—

"(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that increases the national debt held by the public established in the joint resolution on the budget for a fiscal year in excess of the limit on public debt established by the joint resolution for such fiscal year.

"(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the House of Representatives or the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.".

(c) SOCIAL SECURITY.—

(1) EXCLUSION FROM BUDGET.—Section 13301(a) of the Budget Enforcement Act of 1990 is amended by adding at the end thereof the following: "This subsection shall apply to fiscal years beginning with fiscal year 2001.".

(2) EXCLUSION FROM CONGRESSIONAL BUDGET.—The last sentence of section 301(a) of the Congressional Budget Act of 1974 is amended by striking "The" and inserting "Effective with respect to fiscal years beginning with fiscal year 2001, the".

(3) SOCIAL SECURITY ACT.—Section 710(a) of the Social Security Act is amended by adding at the end thereof the following: "This subsection shall apply to fiscal years beginning with fiscal year 2001.".

SEC. 403. SOCIAL SECURITY FIREWALL.

(a) POINT OF ORDER.—Section 301(i) of the Congressional Budget Act of 1974 is amended to read as follows:

"(i) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate or the House of Representatives to consider any joint resolution on the budget that would decrease the excess of social security revenues over social security outlays in any of the fiscal years covered by the joint resolution. No change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of social security revenues unless such provision changes the income tax treatment of social security benefits.".

(b) BALANCING THE UNIFIED BUDGET.—Section 601(a)(1) of the Congressional Budget Act of 1974, as amended by section 401(a) of this Act, is amended by adding at the end thereof the following:

"For fiscal years after fiscal year 1999, the maximum deficit amount shall be set at zero for each fiscal year in the joint resolution on the budget.".

(c) ELIMINATION OF SOCIAL SECURITY DEFICIT.—Not later than October 1, 2000, Congress may adopt budget procedures for the elimination of the non-Social Security deficit by not later than September 30, 2005. The non-Social Security deficit shall be defined as the Federal budget deficit excluding the receipts and outlays of the Social Security Trust Fund.

SEC. 404. LOOK-BACK SEQUESTER.

Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end thereof the following new subsection:

"(i) LOOK-BACK SEQUESTER.—

"(1) IN GENERAL.—On July 1 of each fiscal year, the Director of OMB shall determine if laws effective during the current fiscal year will cause the deficit to exceed the maximum deficit amount for such fiscal year. If the limit is exceeded, there shall be a preliminary sequester on July 1 to eliminate the excess.

"(2) PERMANENT SEQUESTER.—Budget authority sequestered on July 1 pursuant to paragraph (1) shall be permanently canceled on July 15.

"(3) NO MARGIN.—The margin for determining a sequester under this subsection shall be zero.

"(4) SEQUESTRATION PROCEDURES.—The provision of subsections (c), (d), and (e) of this section shall apply to a sequester under this subsection.".

SEC. 405. SAVINGS PROVISION.

The amendments made by this title, the limits established by this title, and the procedures provided in Acts amended by this title necessary to enforce such limits shall apply with respect to fiscal years beginning with fiscal year 1993 and shall continue notwithstanding the termination of any Act setting forth such procedures.

BALANCED BUDGET IMPLEMENTATION ACT

TITLE 1. REQUIRE A JOINT BUDGET RESOLUTION TO FORCE JOINT ACTION BETWEEN CONGRESS AND THE PRESIDENT:

(A) Joint Resolution on the Budget: To remedy the lack of cooperation and coordination between the President and Congress resulting from the Congressional Budget and Impoundment Control Act of 1974 which created two budgets—one Executive and one Congressional—the Balanced Budget Implementation Act converts the present concurrent resolution on the budget into a joint resolution on the budget which must be signed by the President, ensuring joint Congressional and Executive branch consensus on and commitment to each annual budget.

TITLE 2. ZERO-BASED BUDGETING & DECENNIAL SUNSETTING:

(A) For FY 1994 and FY 1995, Congress must re-authorize all discretionary programs and all unearned entitlements: The Balanced Budget Implementation Act adopts President Carter's zero-based budgeting concept, mandating that before FY 1994 begins, the spending authority for all unearned entitlements, and the spending authority for the most expensive one-third of discretionary programs will expire. Entitlements earned by service or paid for in total or in part by assessments or contributions shall be deemed as earned, and their authorization shall not expire. Entitlements not sunsetted include Social Security, veterans benefits, retirement programs, Medicare and others. Before FY 1995, the spending authority of the remaining discretionary programs will expire.

Specifics:

By the beginning of FY 1995, all unearned entitlement and discretionary programs will be subject to re-authorization. If a specific unearned entitlement or discretionary program is not re-authorized in a non-appropriations bill, it cannot be funded and will be terminated.

(B) Unauthorized programs cannot receive appropriations: The Balanced Budget Implementation Act creates a point of order in both Houses against any bill or provision thereof that appropriates funds to a program for which no authorization exists.

Specifics:

Such point of order can be waived only by the affirmative vote of three-fifths of the whole membership of each House. Appeals of the ruling of the Chair on such points of order also require a three-fifths affirmative vote of the whole membership of each House.

A three-fifths point of order shall lie against any authorization that is contained in an appropriation bill.

(C) All discretionary programs and unearned entitlements must be reauthorized every ten years: In the first session of the Congress which follows the decennial Census reapportionment, the spending authority for all unearned entitlements and the most expensive one-third of all discretionary programs will expire for the fiscal year that begins in that session. In the second session of that Congress, the spending authority for the remaining discretionary programs will expire for the fiscal year that begins in that session. This provision will be enforced by the points of order contained in Section B) above.

TITLE 3. LIMIT THE GROWTH OF ENTITLEMENTS TO THE GROWTH RATE OF SOCIAL SECURITY:

(A) The Balanced Budget Implementation Act adopts President Bush's proposal to limit the aggregate growth of all entitlements other than Social Security to the growth rate formula of Social Security for the period FY 1994 to FY 2000: The aggregate growth of all entitlements other than Social Security is limited to the growth rate formula of Social Security, which is the consumer price index and the growth in eligible population.

(B) The Balanced Budget Implementation Act provides flexibility in the growth rate of entitlement programs: An individual entitlement program can grow faster than the overall entitlement cap as long as the aggregate growth in all entitlements (other than Social Security) does not exceed the entitlement cap.

(C) From FY 1994 to FY 2000, the aggregate spending growth cap on entitlements will be enforced by an entitlement sequester: The Balanced Budget Implementation Act provides that if aggregate spending growth in entitlements exceeds the total growth in consumer prices and eligible population, an across-the-board sequester to eliminate excess spending growth will occur on all entitlements other than Social Security. A three-fifths vote point of order lies against any effort to exclude any entitlement from this sequester. This sequester would be in effect until Congress passes legislation which brings the entitlement program back within the cap, and the President signs the bill.

TITLE 4. ESTABLISH FIXED DEFICIT TARGETS, RESTORE AND STRENGTHEN GRAMM-RUDMAN-HOLLINGS, AND REQUIRE A BALANCED BUDGET BY 2000:

(A) Set deficit targets based on President Clinton's pledge to cut the deficit in half in four years:

President Clinton assumed $27 to $40 billion of deficit reduction in FY 1993 in his campaign plan to cut deficit in half by 1996. The fixed deficit targets established in the BBIA to fulfill President Clinton's pledge to cut the deficit in half start with the most recent CBO deficit estimate of $291 billion in FY 1994, and set targets which cut the deficit in half by the fourth year, FY 1997.

The fixed targets established for the four fiscal years that President Clinton's will submit budgets assume reductions in the deficit targets of approximately $36 billion each year and lock them in as the new fixed defi-

cit targets under Gramm-Rudman-Hollings: FY 1994, $255 billion; FY 1995, $219 billion; FY 1996, $183 billion; and FY 1997, $147 billion.

(B) Add new fixed deficit targets after FY 1997 to require a balanced budget by FY 2000:

The deficit targets after FY 1997 would be: FY 1998, $98 billion; FY 1999, $49 billion; and FY 2000, $0 billion.

(C) Restore and extend the fixed deficit targets of Gramm-Rudman-Hollings (GRH); The Balanced Budget Implementation Act modifies the existing GRH maximum deficit amounts and extends the GRH sequester mechanism to balance the budget by FY 2000 and annually thereafter.

The new maximum deficit amounts will be enforced by the existing GRH deficit sequester. After reaching a balanced budget, the GRH sequester mechanism will become permanent to ensure the budget stays in balance.

(D) Strengthen the GRH points of order: The Balanced Budget Implementation Act requires the strengthening of the existing GRH budget points of order.

Specifics:

A point of order will lie against all actions that (1) increase the deficit or (2) increase the limit on national debt held by the public beyond the deficit levels required in section A & B (above). This point of order will lie in both Houses, and may be waived only by a three-fifths vote of the whole membership of each House. An appeal of the point of order can only be waived by a three-fifths vote. No rule in either House can permit waiver of such a point of order by less than three-fifths affirmative vote of the whole membership of such House, nor can such point of order be waived for more than one bill per vote on such point of order.

Once the budget is balanced, all points of order will become permanent to ensure the budget stays in balance.

(E) Protect Social Security: Social Security will be protected fully by (1) preserving the existing points of order to protect the Social Security trust fund; and (2) providing expedited procedures in 1999 for consideration of additional legislation to balance the budget excluding the Social Security Trust Fund.

(F) Look Back Sequester: In the last quarter of every fiscal year, a "look back" sequestration is required to eliminate any excess deficit for the current year. This look back sequester will guarantee that the actual deficit target set for that year is achieved.

Specifics:

On July 1 of every fiscal year, the OMB will order an initial look back sequester based on the most recent OMB deficit estimates. On July 15, the OMB Mid-Session Review will update and finalize the sequester order. The final order will stay in effect unless offset by appropriate legislation to bring the deficit into compliance with that year's target.

Mr. LOTT. Mr. President, I rise in strong support of the Balanced Budget Implementation Act. Congress must reform the budget process and reevaluate our spending priorities. The American people are demanding fiscal responsibility—a complete overhaul, not merely a tinkering with the cogs of the current machinery. This bill will provide the means to that end by creating an enforceable process for balancing the Federal budget by the year 2000.

The deficit is out of control. This gargantuan behemoth is slowing our economic recovery. It is time the Congress learned to balance America's checkbook. We are the ones with the responsibility to do it; yet, we lack the political courage. Unfortunately, Congress has proven that it must have statutory discipline to rein in excessive spending. This bill establishes a process to enforce such discipline.

The budget must be balanced, but it should not—and cannot—be accomplished through increased taxes. The budget deal of 1990 showed us what increasing taxes does for the economy. Our problem has not been too little taxes, but too much spending. Spending, excluding interest payments, rose as a share of the gross domestic product [GDP] by 0.8 percent between the 1970's and the 1980's. At the same time, revenues rose by 0.4 percent. The American people are not overtaxed.

There are four primary components to this bill. First, it requires a joint budget resolution to force formal cooperation between the President and Congress. Since the Congressional Budget and Impoundment Control Act of 1974, there have basically been two budgets: The President's, which is declared dead on arrival more often than not, and the Congress'.

Presidents have complained that they lack sufficient authority over the budget process and, according to a recent study, the Nation's Governors agree; 55 percent said Congress has too much power over the Federal budget, while only 2 percent said the President has too much power. It is time for cooperation and shared responsibility. I believe it is critical that both branches of the Government work together from the beginning of the process to develop the budget.

Second, Congress would be required to reauthorize all discretionary programs and all unearned entitlements during fiscal years 1994 and 1995. The bill requires that this be done every 10 years to reexamine the Nation's current spending habits against yesterday's priorities. We must stop funding Government programs which have outlived their usefulness or purpose. The only way to determine the value of a program is to reconsider its purpose and measure its success. As William Lyon Mackenzie King said, "The promises of yesterday are the taxes of today."

President Carter developed this concept of zero-based budgeting, and we believe it is a necessary component of budget reform. It is time to start from scratch and ensure that every tax dollar collected is spent wisely. We must put an end to Federal program perpetuity.

The bill would also create Senate discipline with a point of order against any bill or provision thereof that appropriates unauthorized funds. While authorization is currently intended to precede appropriation, it frequently does not.

Third, the bill places a cap on the growth rate of entitlements other than Social Security. Entitlement programs are estimated to cost more than $760 billion in fiscal year 1993. This bill would not cut these programs, but restrain the dramatic escalation in their growth. CBO projects entitlements to grow from 12.1 percent of GDP in 1992 to 12.8 percent by 1997. Medicare and Medicaid, the two worst offenders, grew at 31.5 and 12.5 percent respectively between 1991 and 1992. The proposed cap would hold these programs to the growth rate of social security, plus a factor to account for population growth.

Fourth, the bill reestablishes the Gramm-Rudman-Hollings fixed deficit targets, enforceable by sequester. We support President Clinton in his deficit reduction goals. To that end, the annual fixed deficit targets are based on his most recent pledge to cut the deficit in half in 4 years.

The new deficit targets are: Fiscal year 1994, $255 billion; fiscal year 1995, $219 billion; fiscal year 1996, $183 billion; fiscal year 1997, $147 billion.

This is an equal amount of deficit reduction—$36 million—in each of the 4 years. In addition, new deficit targets for the next 3 fiscal years are as follows: Fiscal year 1998, $98 billion; fiscal year 1999, $49 billion; fiscal year 2000, $0 billion.

A look-back sequester in the last quarter of each fiscal year will be used to ensure compliance with these targets. If they are not met, a sequester will be in place until legislation is passed to meet the target.

The bill will also strengthen points of order against actions that increase the deficit or increase the limit on national debt held by the public beyond the fixed deficit target levels. The point of order will lie in both Houses and may only be waived by a three-fifth's vote.

I urge my colleagues to join with us in this fight to reduce the deficit and cosponsor this legislation. If you are serious about fighting the deficit, this legislation will accomplish that.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 7, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 11

At the request of Mr. BIDEN, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 20

At the request of Mr. ROTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 24

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 24, a bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

S. 25

At the request of Mr. MITCHELL, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 26

At the request of Mr. DORGAN, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 26, a bill to amend the Internal Revenue Code of 1986 to end deferral for United States shareholders on income of controlled foreign corporations attributable to property imported into the United States.

S. 27

At the request of Mr. SARBANES, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 39

At the request of Mr. ROTH, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 51

At the request of Mr. FEINGOLD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 51, a bill to consolidate overseas broadcasting services of the United States Government, and for other purposes.

S. 69

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 92

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 92, a bill to create a legislative line-item veto by requiring separate enrollment of items in appropriations bills.

S. 98

At the request of Mr. BRADLEY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 98, a bill to establish a Link-up for Learning Grant Program to provide coordinated services to at-risk youth.

S. 103

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 103, a bill to fully apply the rights and protections of Federal civil rights and labor laws to employment by Congress.

S. 140

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 140, a bill to provide that the State Health Insurance Program of Hawaii is eligible for reimbursement from certain funds appropriated to the Public Health and Social Services Emergency Fund, and for other purposes.

S. 148

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 148, a bill to amend section 337 of the Tariff Act of 1930 and title 28 of the United States Code to provide effective procedures to deal with unfair practices in import trade and to conform section 337 and title 28 to the General Agreement on Tariffs and Trade, and for other purposes.

S. 161

At the request of Mr. SARBANES, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 161, a bill to provide for an endowment grant program to support college access programs nationwide, and for other purposes.

S. 171

At the request of Mr. GLENN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

S. 176

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 177

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 185

At the request of Mr. GLENN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Arizona [Mr. DECONCINI], the Senator from Wisconsin [Mr. KOHL], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 187

At the request of Mr. BURNS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 187, a bill to protect individuals engaged in lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes.

S. 207

At the request of Mr. LOTT, the names of the Senator from Florida [Mr. MACK], the Senator from Oklahoma [Mr. NICKLES], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 207, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 222

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 222, a bill to require the Commissioner of Food and Drugs to collect information regarding the drug RU-486 and review the information to determine whether to approve RU-486 for marketing as a new drug, and for other purposes.

S. 232

At the request of Mr. HATFIELD, the name of the Senator from Mississippi

[Mr. COCHRAN] was added as a cosponsor of S. 232, a bill to provide assistance to States to enable such States to raise the quality of instruction in mathematics and science by providing equipment and materials necessary for hands-on instruction.

S. 233

At the request of Mr. BOREN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 233, a bill to authorize appropriations for the Civilian Community Corps Demonstration Program.

S. 236

At the request of Mr. MCCAIN, the names of the Senator from Colorado [Mr. BROWN], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 236, a bill to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 239

At the request of Mr. BOREN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 239, a bill to provide grants to States for the establishment of community works progress programs.

S. 253

At the request of Mr. CRAIG, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Wyoming [Mr. SIMPSON], the Senator from Arkansas [Mr. BUMPERS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 253, a bill to authorize the garnishment of Federal employees' pay, and for other purposes.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Washington [Mrs. MURRAY], the Senator from Ohio [Mr. METZENBAUM], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Washington [Mrs. MURRAY], the Senator from Ohio [Mr. METZENBAUM], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 289

At the request of Mr. REID, the names of the Senator from Connecticut [Mr. DODD] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 295

At the request of Mr. DURENBERGER, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 318

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 318, a bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes.

SENATE JOINT RESOLUTION 11

At the request of Mr. SARBANES, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. BYRD], the Senator from Georgia [Mr. NUNN], the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. MCCAIN], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. CRAIG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. PACKWOOD], the Senator from Florida [Mr. MACK], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 11, a joint resolution to designate May 3, 1993, through May 9, 1993, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 30

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Colorado [Mr. BROWN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. DORGAN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of Senate Joint Resolution 30, a joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 32

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Joint Resolution 32, a joint resolution calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court.

SENATE JOINT RESOLUTION 37

At the request of Mr. HOLLINGS, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 37, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. CONRAD], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nevada [Mr. REID], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MITCHELL, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

At the request of Mr. EXON, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Concurrent Resolution 9, supra.

SENATE RESOLUTION 13

At the request of Mrs. KASSEBAUM, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 13, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE RESOLUTION 24

At the request of Mr. DANFORTH, the names of the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Virginia [Mr. WARNER], and the Senator from Arkansas [Mr. BUMPERS] were added as cospon-

sors of Senate Resolution 24, a resolution urging the criminal prosecution of persons committing crimes against humanity, including participation in mass rapes, in Bosnia-Herzegovina.

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. GLENN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Iowa [Mr. HARKIN], the Senator from North Dakota [Mr. CONRAD], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 68—URGING THE PRESIDENT TO SEEK AN INTERNATIONAL OIL EMBARGO

Mr. D'AMATO (for himself, Mr. SPECTER, and Mr. GRASSLEY) submitted the following resolution: which was referred to the Committee on Foreign Relations:

S. RES. 68

Whereas 441 people were murdered in the terrorist bombing of Pan Am Flight 103 in 1988 and the UTA Flight 772 in 1989;

Whereas these bombings killed nationals from over 30 nations;

Whereas the United Nations Security Council first passed Resolution 731 on January 21, 1992, and subsequently adopted Resolution 748 on March 31, 1992, in response to the inaction of the Libyan government on this issue;

Whereas Libya has refused to provide all information in its possession regarding the bombings;

Whereas Libya has refused to remand into American, British, or French custody, the two suspected Libyan agents;

Whereas Libya has refused to pay compensation to the families of the victims of both flights;

Whereas Libya has long been a state sponsor of international terrorism, providing financial, logistical, and armed support for a variety of terrorist groups and movements: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) The President should seek an international oil embargo through the United Nations against Libya for its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombings of Pan Am Flight 103 and UTA 772;

(2) Libya should comply with all provisions of United Nations Security Council Resolutions 731 and 748;

(3) Libya should release to the United States or Great Britain for trial, the two Libyan agents suspected for complicity in the bombing of Pan Am Flight 103 and to France those responsible for the bombing of UTA Flight 772;

(4) Libya should provide all information in its possession regarding the two bombings;

(5) Libya should pay compensation to the families of the victims of both flights;

(6) all United States nationals in Libya who, in defiance of United States law, continue to contribute to the economy of Libya, should leave immediately; and

(7) Libya should cease support, training, and the arming of terrorist groups and movements throughout the world.

• Mr. D'AMATO. Mr. President, I rise today, along with Senators GRASSLEY and SPECTER, to introduce a resolution urging the President of the United States to seek an international oil embargo against Libya for its refusal to comply with U.N. Security Council Resolutions 731 and 748 concerning the bombings of Pan Am flight 103 and UTA 772.

Libya has long been our adversary. It has challenged our ships in the Mediterranean, threatened the lives of our leaders, and most critical to Americans, sponsored acts of terrorism against our citizens abroad.

The most despicable act of Libyan terrorism occurred on December 21, 1989, when Pan Am flight 103 was blown up over Lockerbie, Scotland by at least two Libyans. This mass murder claimed the lives of 270 people, 189 of them Americans. Of this number, 35 were students at Syracuse University, my alma mater.

On November 14, 1991, the U.S. Justice Department charged these agents, Lamen Khalifa Fhimah and Abdel Basset Ali Megrahi, in Federal district court in a 193-count indictment stemming from a 3-year investigation into the December 1988 bombing.

Mu'ammar Qadhafi brazenly dismissed the indictment while pounding his chest, bragging to the world that he had again withstood American aggression. His offer to try the two agents in the Libyan court was a mockery of justice and an insult to the families of the victims.

There can be no rest until the individuals who ordered, directed, and paid for the commission of this terrible crime are brought to justice, no matter where they may be located. The investigation of the bombing must continue to be vigorously and intensively pursued.

Libya's total lack of compliance only adds to its crimes. It has refused to cooperate with the United Nations in supplying any information on the bombings. Moreover, it has refused compensation to the families of the bombing victims. In all, Libya has not moved 1 inch toward fulfilling the U.N. resolutions.

Libya has done little more than spread death through its long support of international terrorism by providing the financing, logistical, and armed support of a variety of terrorist groups and movements. Libya must pay the price for its part in these massacres. Despite the international community's reluctance to do so, a worldwide oil embargo must be imposed on Libya.

We must send the message that terrorism and sponsorship of terrorism will not go unpunished. Libya and its leader, Mu'ammar Qadhafi, must come to realize that violence has a price and that Libya's murderous actions must end.•

SENATE RESOLUTION 69—TO AMEND THE STANDING RULES OF THE SENATE

Mr. HEFLIN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 69

Resolved, That paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c) by striking "(a) and (b)" and inserting "(a), (b), and (c)";

(2) by redesignating subparagraph (c) as subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

"(c) Each such report (except those by the Committee on Appropriations) shall also contain—

"(1) an evaluation, made by such committee, of the financial impact that any Federal mandates in the bill or joint resolution would have on State and local governments; or

"(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.".

Mr. HEFLIN. Mr. President, I rise today to introduce a bill which would amend the Standing Rules of the Senate to require that a financial impact statement be included in the report accompanying each bill reported by a Senate committee, showing the financial impact which any Federal mandates in the bill would have on State and local governments. I know that my colleagues are all acutely aware of the very serious budget problems facing many of our 50 States and that they share my belief that Congress must not take lightly legislative decisions which impact their budgets.

As we all know, Federal funds to State and local governments have declined precipitously since the early 1980's. Funding from the Environmental Protection Agency for water and sewer projects declined from $365 to $230 million. Job training funds declined from $6.5 to $2.5 billion. The Community Development Block Grant Program which provided $3.7 billion to communities in 1981 was whittled away at for years and has only now caught up with its 1981 level of funding. Of course, that does not include an adjustment for inflation. Meanwhile, the Urban Development Action Grant Pro-

gram has been totally eliminated. Also abandoned is the Revenue Sharing Program which in 1981 provided $4.5 billion to State and local governments in flexible funding to meet community needs and offset State budgetary crises.

However, as Federal funding has decreased, Federal mandates have increased. The objective of these Federal mandates may be noble, but the bottom line economic impact on State and local governments can be devastating. A complex web of Federal programs on everything from medical care and welfare to roads and bridges can tie up over 25 percent of a State's budget. Medicaid alone cost the States $44 billion during 1992. Consider the economic burden placed on cities that make a good-faith effort to comply with environmental mandates on everything from asbestos, clean air, and clean water to underground storage tanks, and solid waste disposal. No one would argue with the objective of these programs, however, the increasing number of Federal mandates is shifting a large portion of the costs of Federal programs to the States.

Currently, the Senate requires that any committee reporting out a bill or resolution provide an estimate of the cost incurred in carrying out that bill or resolution. I think we would all agree that this information has become indispensable in conducting the business of the Senate and has become an important tool in trying to encourage responsible and informed policymaking. Likewise, the bill I introduce today will provide information necessary to more fully assess the ramifications of proposals pending in the Congress and serve to remind us all that nothing is free. Increased information, accountability, and responsibility will be encouraged by a proposal of this type and I hope my colleagues will share my belief that such a proposal would be in the best interests of the various levels of government in our country and a step toward sounder economic ground for the people of the United States.

SENATE RESOLUTION 70—RELATIVE TO THE RATIFICATION OF THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD

Mr. BRADLEY (for himself, Mr. LUGAR, Mr. LEAHY, and Mr. HATFIELD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 70

Whereas the future peace and prosperity of all nations depend upon the good health and well-being of the world's children;

Whereas Congress has long recognized the vulnerability of children and has enacted numerous laws that afford children special protections in the United States;

Whereas millions of children worldwide are threatened daily by poverty, malnutrition, homelessness, exploitation, and abuse, depriving both family and society of the productivity and potential of the children;

Whereas the Child Survival and Development Revolution, launched in 1982 to attack the root causes of infant mortality and child ill-health through low-cost means such as universal child immunization and oral rehydration therapy, is saving the lives of more than 3,000,000 children each year and has demonstrated that the number of child deaths can be reduced significantly if available resources are used appropriately;

Whereas despite the gains in lives saved and an emerging international consensus about the importance of protecting children, children both in the United States and abroad will continue to face poverty, sickness, and ill-treatment;

Whereas on November 20, 1989, the United States and other members of the United Nations unanimously endorsed the United Nations Convention on the Rights of the Child and urged national governments to ratify the Convention and make possible the application of the Convention as international law;

Whereas the Convention, if implemented, will help establish universal legal standards for the care and protection of children against neglect, exploitation, and abuse;

Whereas the Federal Government, scores of private voluntary organizations, and hundreds of American citizens were actively involved in the drafting of the Convention;

Whereas as of January 1993, 128 countries have become parties to the Convention by ratification or accession, and 24 others have signed the Convention, indicating an intention to ratify the Convention in the future;

Whereas the United States is the only Western industrialized nation that has neither signed nor ratified the Convention, and the United States stands with Iraq, and Libya as one of fewer than 30 countries that neither is a party to the Convention nor has signed the Convention; and

Whereas the United States must regain a leading role in the implementation of the Convention to ensure that the Convention remains a force for improving the lot of children, both in the United States and abroad; Now, therefore be it.

Resolved, That it is the sense of the Senate that—

(1) the issue of children's rights and well-being is important both to the United States and the world; and

(2) in consideration of the importance of the issue, the President should promptly seek the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child, adopted by the United Nations with the support of the United States on November 29, 1989.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BRADLEY. Mr. President, today I am pleased to submit, with Senators LUGAR, HATFIELD, and LEAHY, a resolution calling on the President to send to the Senate as expeditiously as possible the Convention on the Rights of the Child for ratification.

The United States and the other members of the United Nations unanimously endorsed the Convention on the Rights of the Child on November 20, 1989.

This unanimous approval reflects, first and foremost, the world's awareness that we need universal standards for the care and protection of children against neglect, exploitation, and abuse.

America has long recognized that children are particularly vulnerable and need special protections. Congress has passed many laws to provide these protections. But even in this country, we know all too well the tragedy of infant mortality, the terror of child abuse, the scourge of drugs, and the wasted potential of school dropouts.

In the rest of the world, where legal protections are weak or nonexistent and resources scarce, the plight of the child is considerably worse. Children are born stateless, unwanted, without any government to assume responsibility for them. Some work under appalling conditions. Some are literally bought and sold, through illegal adoption schemes. Armed conflict devours many and few know any semblance of protection for what we would consider basic rights—freedom of speech, of thought, religion, assembly, privacy. And where government policies don't attack children, poverty and ignorance do. Far too many children die needlessly of easily preventable diseases or treatable conditions.

Mr. President, the Convention on the Rights of the Child will help focus needed attention on these problems, here and abroad. Ten years in the making, it establishes minimum standards for measuring the way governments treat their children. It entitles children to a name and nationality at birth. It stresses the importance of child survival and the need for primary health care. It emphasizes primary education, where 4 years of schooling can turn potential beggars into productive citizens. It requires governments to protect their children against child labor, drug abuse, sexual exploitation. It provides for special protections in adoption, and mandates proper care for orphaned children, It requires countries to establish minimum standards of juvenile justice. It prohibits states from using children as cannon fodder during war. And, if implemented, it becomes international law, binding on all signatories, with a committee of experts to monitor and publicize the extent to which governments meet these standards. The Convention will become a powerful voice in promoting and protecting children, in this country and abroad.

Mr. President, for us, the need for these rights and protections is self-evident. Every day we delay ratifying the treaty, nearly 40,000 children die. Every week that we delay, 250,000 children die. The saddest fact is that most of these deaths have occurred from preventable causes such as vaccine-preventable diseases, diarrhea, dehydration, and pneumonia. Throughout the world, 100 million children work under hazardous and often fatal conditions.

Another 80 million children are homeless in the world's cities and 10 million are refugees. These are all issues addressed by the Convention.

The United States must continue to play a leading role in promoting the Convention on the Rights of the Child. The problems of the world's children are our problem. As the only remaining superpower, we are morally obligated to confront their plight. It is also in our national interest to act. As the world grows more interdependent it is no longer possible to ignore the actions of others, especially when they concern children. Imagine a world where the potential of all humans is fully utilized? If we are ever to achieve such a noble and fruitful goal we must begin with our children, all the world's children.

This body has a long tradition of enacting effective legislation on behalf of children. But I cannot say that we have done all we can do. The statistics I stated previously make this clear. The Convention furthers our long tradition of legislating to make the world better for children everywhere. It focuses energy and resources on doing the simple things—the right things—to help children.

This Convention is not about changing our society or a massive transfer of resources. It is, instead, about targeting available resources toward the most vulnerable elements of our society. This Convention is not about a wholesale redefinition of human rights to include social and economic benefits for every individual. Instead, it is about recognizing that we have to take care of children as a group.

I urge all Senators to join me and Senators LUGAR, HATFIELD, and LEAHY in sponsoring this resolution requesting the President to send the Convention on the Rights of the Child to the Senate for ratification.

Mr. LUGAR. Mr. President, I am pleased to join my colleagues Senator BRADLEY, Senator HATFIELD, and Senator LEAHY today in introducing a resolution encouraging the administration to review and quickly forward to the Senate for ratification the U.N. Convention on the Rights of the Child.

I share Senator BRADLEY's intense interest in ensuring the basic rights and freedoms for children the world over. Today, we underscore our belief that children are our most precious resource and deserving of the protections we as caring adults are committed to provide. That is why children have special protection in the United States. Our laws punish child abusers, regulate and oversee adoption and foster care, help parents provide for child care, assure collection of child support payments, and attempt to educate all our children. However, we are painfully aware that these assurances are not provided or guaranteed universally. The purpose of this convention is to prod all countries to subscribe to higher standards of treatment and protection of children.

Throughout the world, children are subject not only to social and economic difficulties, but also to intentionally inflicted abuses of their most fundamental rights. In many countries, governments refuse to acknowledge any responsibility for their children and have abdicated responsibility for preparing their future generations for the challenges ahead. In parts of the world, children work under appalling conditions, are bought and sold in illegal adoption schemes, and are used as cannon fodder in war. Around the world, nearly 35 million children die each year from preventable causes.

The U.N. Convention on the Rights of the Child is an international treaty guaranteeing children the fulfillment of their basic needs, protections, and freedoms. The Convention was unanimously endorsed by the United States and other members of the United Nations on November 20, 1989, after 10 years of study and debate. The Convention establishes minimum standards for measuring the way governments treat their children and includes many of the rights guaranteed under our Bill of Rights.

Today, we encourage President Clinton to take the next important step by embracing the Convention and promptly seeking the advice and consent of the Senate on its ratification. Ratification will not incur any cost or appropriation by the United States. It will encourage all nations to agree to high standards in the treatment of children, with all nations judging compliance. With hope, it will help build a commitment by other nations to improve the lives of children by giving greater priority to their needs.

I intend to work closely with the other cosponsors of this resolution to speed the progress of the ratification process. Senator BRADLEY and I continue to serve on an advisory council urging adoption of this Convention. We believe that the United States has a special leadership role to play in ensuring that the most basic protections long afforded children in our country become a part of the lives of children worldwide. I encourage our colleagues to join us in this effort.

Mr. LEAHY. Mr. President, today I join with my colleagues, Senators BRADLEY, LUGAR, and HATFIELD, to submit a resolution calling on President Clinton to quickly sign the Convention on the Rights of the Child and submit it to the Senate for ratification. This resolution reminds us that if we want a secure future we must take special care of the people who will influence the future the most—the children.

The plight of many of the world's children is heart-rending. In our own country, we are all too familiar with the tragedies of infant mortality, child abuse, drug abuse, and the perils of inner-city violence which threaten so many of our youth.

But in other countries the situation is worse. Right now, countless children around the world face a day-to-day struggle for survival. In too many countries children live on the margin of society and are sold into prostitution and exploited in sweatshops. More than 40,000 children die each day from malnutrition, measles, pneumonia, and other preventable diseases. Millions more have been orphaned as a result of AIDS.

Too often governments ignore the basic needs of their people, and children are the most vulnerable. Today we have a terrific opportunity to support children worldwide. The U.N. Convention on the Rights of the Child recognizes specific obligations of society and government toward children. It spells out the rights and safeguards owed to children around the world and establishes minimum standards for measuring the way governments treat their children. The development of our children from their earliest stages must be made an international priority. Our failure to ensure basic rights for our children incurs enormous social and moral costs.

Failing to act in the past has placed the United States in the company of Iraq, Libya, and South Africa as one of fewer than 33 countries that have not signed nor ratified the treaty. It is time that we join the ranks of so many other nations, including all of the industrialized Western countries, that have both signed and ratified the Convention.

Signing the Convention is an interim step to help us move forward and meet the important needs of children around the world. To move toward our goal, President Clinton should submit the U.N. Convention on the Rights of the Child to the Senate for ratification. President Clinton has already expressed his support of this international consensus, and I am hopeful that he will sign it. Let us hope that this treaty amounts to more than just kind words, and that with its passage the administration will move to produce a plan to pursue the goals of the Convention.

It is incumbent upon us to do what the preamble to our Constitution calls on us to do for our children. All hopes for our children will mean little if we do not focus more on their needs. Let us not forget our most precious resource—our children.

AMENDMENTS SUBMITTED

FREEDOM OF CHOICE ACT

SMITH AMENDMENT NOS. 23 THROUGH 34

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. SMITH submitted 12 amendments intended to be proposed by him to the bill (S. 25) to protect the reproductive rights of women, and for other purposes, as follows:

AMENDMENT No. 23

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the sixth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT No. 24

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the seventh month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT No. 25

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the eighth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT No. 26

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions after the ninth month of pregnancy unless the life of the mother would be endangered if the pregnancy were carried to term.".

AMENDMENT No. 27

At the appropriate place, add the following:

"Nothing in this Act shall be construed to require any individual or institution with moral or religious objections to the performance of some or all abortions to perform an abortion or participate in the performance of an abortion.".

AMENDMENT No. 28

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from regulating the performance of abortions performed solely on the basis of the sex of the fetus.".

AMENDMENT No. 29

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from requiring the provision of information concerning the medical and biological ramifications of an abortion to a woman seeking an abortion prior to the performance of such abortion.".

AMENDMENT No. 30

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from enacting constitutional statutes requiring that the parents of a minor child who has not attained 18 years of age be notified prior to the performance of an abortion on such child.".

AMENDMENT No. 31

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from enacting constitutional statutes requiring that the parents of a minor child who has not attained 18 years of age give their consent to the performance of an abortion on such child; *Provided, however*, That a state may not require the notification of a parent in the case of a pregnancy resulting from incest with such parent or in the case in which the minor would be subject to severe physical or mental abuse if the parent were notified.".

AMENDMENT No. 32

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from allowing a woman to sue an abortion-provider for physical, mental, emotional, or financial damage done to such woman by such abortion-provider.".

AMENDMENT No. 33

At the appropriate place, add the following:

Section 152 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"( ) EXCEPTION.—For purposes of subsection (a), the term "dependent" does not include any individual in any taxable year if

"(1) an induced abortion was attempted with respect to such individual;

"(2) such abortion was unsuccessful;

"(3) the taxpayer claiming such individual as a dependent consented to such abortion; and

"(4) such individual died within the same table year as the birth as a result of the abortion or of complications resulting from the abortion.".

AMENDMENT No. 34

At the appropriate place, add the following:

"Nothing in this Act shall be construed to prevent a State from establishing a reasonable waiting period not in excess of 24 hours prior to the performance of an abortion.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 338, the Petroleum Marketing Practices Act Amendments of 1993.

The hearing will take place on Thursday, February 25, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at (202) 224-4820.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, February 25, 1993, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two bills currently pending before the subcommittee. The bills are:

S. 206, a bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; and

S. 341, a bill to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304, Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on energy tax options.

The hearing will take place on Wednesday, February 24, 1993, beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building in Washington, DC. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 304, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, there will be a meeting of the Committee on Rules and Administration, in SR-301, Russell Office Building, on Wednesday, March 3, and Thursday, March 4, 1993, at 9:30 a.m.

Hearings—To receive testimony on legislation pertaining to the financing of congressional election campaigns—S. 3, S. 7, S. 62, S. 87, S. 94, and any other bills referred by the time of the hearings.

Mr. FORD. Mr. President, there will be a meeting of the Committee on Rules and Administration, in SR-301, Russell Office Building, on Thursday, March 18, 1993, at 9:30 a.m.

Markup—To consider a congressional election campaign finance bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 16, 1993, at 2:30 p.m., in open session, to consider the nominees for the 1993 Defense Base Closure and Realignment Commission.

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

ADDITIONAL STATEMENTS

TRIBUTE TO MRS. BROWNING DODSON

• Mr. ROCKEFELLER. Mr. President, I would like to take this time to recognize a wonderful woman from my beautiful State of West Virginia. A devoted educator, mother, and community leader, Mrs. Browning Dodson has been teaching elementary students for nearly 60 years in the rural areas of Greenbrier County, WV.

Mrs. Dodson has long recognized the need for educating our children well, and comes from a family of educators. She says, "I had six older sisters who were teachers. My grandfather and grandmother were teachers. On my husband's side, they were all teachers." Her two daughters are teachers, and are even married to teachers.

When Mrs. Dodson started teaching in 1933, she earned $574 a year. "At that time, that was a good salary," she says. Although we all know teachers are paid a little more than that today, Mrs. Dodson points out that her salary then went just as far as her salary now.

In Mrs. Dodson's earlier years of teaching, the hardest thing for her was to see the poorer children do without some of the necessities in the classroom. Many of the parents would trade or borrow textbooks for their children, so that they would have the opportunity to learn; something that many of these parents were never afforded. Mrs. Dodson always tried to make sure that every child in her classroom and the chance to at least look at a text, and get as much as they could out of the class.

She feels that the situation she is in today is perfect. She is teaching a small math class of five to seven special needs students. Compared to the 40 or more students that she taught in the one-room school house many years before, this is a welcomed change.

Very recently, Mrs. Dodson was recognized by the West Virginia State School Superintendent, as the State's senior educator. After almost 60 years of being an educator in the State of West Virginia, Mrs. Dodson says that she would not know what to do if she were not teaching. Mrs. Dodson never thought at first that she would teach as long as she has. She was once told that, ". . . you will start feeling old when you begin teaching your former students' children." Well today, Mrs. Dodson is teaching their grandchildren and going strong.

Mr. President, as you know, I am the chairman of the National Commission on Children. "This Commission recognizes the needs of our children all across the Nation. We try to bring about the changes necessary to make life better, and to bring children the opportunities that they rightly deserve. How wonderful to know that Mrs. Dodson has been bringing these opportunities to her classrooms for nearly 60 years.

Mr. President, I would like to close by saying, thank you Mrs. Dodson, for your unselfish devotion and service to the children of West Virginia. You have made us so very proud.•

ABOLISH THE SOURCE TAX—S. 235

• Mr. GORTON. Mr. President, today I speak in support of an important piece of legislation designed to help the senior citizens in my home State. It is the bill introduced by my distinguished colleagues Senators REID and BRYAN to abolish the so-called source tax.

As the situation stands today, retirees living anywhere in the country may find that the retirement pension on which they depend for their livelihood is taxed by a State in which they no longer reside. They must pay taxes to the State where they spent all, or part of, their working years, even though these retirees do not live there anymore. In many cases, this unjust tax is automatically deducted from the retiree's pension benefit.

This unfair situation is particularly important to me because Washington State is one of our seniors' favorite States in which to retire. Many people spend their working lives saving up enough money to retire in Washington State, only to find their pensions taxed by their former State of residence.

Consequently, many residents of Washington's retirement committees have written to me, and I have listened. Seniors from cities such as Forks, Spokane, and Walla Walla have all expressed their outrage and frustration at being taxed by other States. And, as I travel around the State listening to the concerns of the citizens, this issue is always brought to my attention.

Retirees are outraged because their taxes are going to pay for State services of which they cannot take advantage. Retirees in Washington cannot avail themselves of the senior services, medical services, transportation facilities, or public parks in other States. They cannot vote in those States and influence how the money is spent. Yet they are forced to pay taxes to support these services so that others may benefit from them. The seniors in my State from whom I have heard characterize this practice as taxation without representation. I agree.

The source tax represents not only taxation without representation, it represents a further drain on the already limited and fixed incomes of our senior citizens. Seniors who rely on their fixed incomes to buy their groceries and pay their bills are shocked when they learn that they may not have enough to do it because of the taxation policies of other States.

Progress was made last year when the Senate voted in favor of the source tax bill. It was successfully added to the tax bill last spring. I voted in favor of that amendment. But the job is not finished because the abolition of the source tax has yet to be signed into law.

We need to correct this problem now. This is why I am cosponsoring the Source Tax Elimination Act of 1993. I encourage my colleagues to help me pass this bill quickly and restore fairness to our retirees' tax bill.•

EULOGY AT WOUNDED KNEE

• Mr. SIMON. Mr. President, recently, I saw a reference in the New York Times to a statement by Rabbi Marc D. Angel of the Congregation Shearith Israel of New York City. It is a Spanish and Portuguese Synagogue founded in 1654.

Rabbi Angel has shown a sensitivity to the plight of the American Indian.

Recently, he delivered a eulogy at Wounded Knee, and I ask unanimous consent to insert that eulogy at the end of my remarks.

His eulogy is a reminder, once again, of how inhuman humanity can become.

It would be easy to say that the Germans did a horrible deed against the Jews, and the Turks did a horrible deed against the Armenians, but we could never do anything like that.

The battle at Wounded Knee, slightly more than a century ago, is a reminder that we can be guilty of the same misdeeds. The action of our Government against the Japanese-Americans in 1942 is another grim reminder. I might add, I was at the battle sight of Wounded Knee for the second time recently, the last significant fight between American-Indians and the United States Government. That historic sight is virtually unmarked.

There is a survivors association, the descendants of those who were killed, who want to make a fitting memorial tribute there. I applaud that idea and believe it is needed. Even on a Sunday morning when I visited there in early October there were two cars of tourists coming who could only read a sign but see no other notation of this grim battle.

I applaud my colleague, Senator TOM DASCHLE of South Dakota, for initiating efforts to have a suitable remembrance there.

I join in that effort. I hope we can take this important step to note this important but grim day in American history.

At this point, I ask to insert the eulogy by Rabbi Marc Angel into the RECORD at this point.

The eulogy follows:

EULOGY AT WOUNDED KNEE

(By Rabbi Marc D. Angel)

We stand at the mass grave of men, women and children—Indians who were massacred at Wounded Knee in the bitter winter of 1890. Pondering the tragedy which occurred at Wounded Knee fills the heart with crying and with silence.

The great Sioux holy man, Black Elk, was still a child when he saw the dead bodies of his people strewn throughout this area. As an old man, he thought back on what he had seen: "I did not know then how much was ended. When I look back now from this high hill of my old age, I can still see the butchered women and children lying heaped and scattered all along the crooked gulch as plain as when I saw them with eyes still young. And I can see that something else died there in the bloody mud and was buried in the blizzard. A people's dream died there. It was a beautiful dream. For the nation's hoop is broken and scattered. There is no center any longer, and the sacred tree is dead."

Indeed, the massacre at Wounded Knee was the culmination of decades of destruction and transformation for the American Indian. The decades of sufferings are somehow encapsulated and symbolized by the tragedy at Wounded Knee. Well-armed American soldiers slaughtered freezing, almost defenseless, Indians-including women and children. Many of the soldiers were awarded medals of honor for the heroism, as if there could be any heroism in wiping out helpless people.

How did this tragedy happen? How was it possible for the soldiers—who no doubt thought of themselves as good men—to participate in a deed of savagery? How was it possible that the United States Government awarded medals of honor to so many of the soldiers?

The answer is found in one word: dehumanization. For the Americans the Indians were not people at all, only wild savages. It was no different killing Indians than killing buffaloes or wild dogs. If an American general taught that "the only good Indian is a dead Indian," it means that he did not view Indians as human beings.

When you look at a person in the eye and see him as a person, you simply can't kill him or hurt him. Human sympathy and compassion will be aroused. Doesn't he have feelings like you? Doesn't he love, fear, cry, laugh? Doesn't he want to protect his loved ones?

The tragedy of Wounded Knee is a tragedy of the Americans Indians. But it is also more than that. It is a profound tragedy of humanity. It is the tragedy of dehumanization. It is the tragedy which recurs again and again, and which is still with us today. Isn't our society still riddled with hatred, where groups are hated because of their religion, race, national origin? Don't we still experience the pervasive depersonalization process where people are made into objects, robbed of their essential human dignity?

When Black Elk spoke, he lamented the broken hoop of his nation. The hoop was the symbol of wholeness, togetherness, harmony. Black Elk cried that the hoop of his nation had been broken at Wounded Knee. But we might also add that the hoop of American life was also broken by the hatred and prejudice exemplified by Wounded Knee. And the hoop of our nation continues to be torn apart by the hatred which festers in our society.

Our task, the task of every American, is to do our share to mend the hoop, to repair the breaches.

The poet Stephen Vincent Benet in his profound empathy, wrote: "Bury my heart at Wounded Knee." This phrase reflects the pathos of this place and the tragedy of this place.

But if we are to be faithful to Black Elk's vision, we must also add: Revitalize our hearts at Wounded Knee. Awaken our hearts to the depths of this human tragedy. Let us devote our revitalized hearts to working to mend the hoop of America, the hoop of all humanity. That hoop is made of love; that hoop depends on respect for each other, for human dignity.

We cry at this mass grave at Wounded Knee. We cry for the victims and the victimizers. We cry for the recurrent pattern of hatred and dehumanization which continues to separate people, which continues to foster hatred and violence and murder.

Let us put the hoop of our nation back in order. For the sake of those who have suffered and for the sake of those who are suffering, let us put the hoop of our nation back in order.●

TRIBUTE TO GREENUP

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Greenup in Greenup County.

Greenup is a small community located in the far, northeastern corner of Kentucky. The town sits on hilly terrain and is bordered by the Little Sandy River and the Ohio River.

Nearly 200 years ago, Jesse Boone, brother of the famous pioneer Daniel Boone, founded Greenup. Jesse Boone's settlement attracted many adventurers and Greenup soon became a cultural and intellectual leader in the new frontier.

Approximately 1,200 people live in Greenup, which serves as the county seat. Many view Greenup as the leader of the eight other communities in Greenup County. Greenup residents take great pride in the history of the town, and often draw on the past to give them hope for the future.

In 1949, Greenup was immortalized by a local citizen, author Jesse Stuart, in his book "The Thread That Runs So True." Stuart's controversial book brought national attention to the plight of eastern Kentuckians and the need for education reform.

I applaud Greenup's efforts to honor the past. I think Stuart best described the spirit of Greenup when he wrote the following lines that are inscribed in stone on the courthouse lawn: "Sing your song, dream your dream, hope your hope and pray your prayer." Greenup truly is one of Kentucky's finest towns.

Mr. President, I ask that a recent article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

GREENUP

(By Fran Ellers)

"Once I heard a man who had come to Greenup to get married ask a native of Greenup this question. 'Sir, can you tell me,' he said, 'how do people in Greenup live? While waiting for the clerk's office to open to get our license, we've driven all over Greenup and we never found any industries.'

"The Greenup man eyed the stranger." Then he replied: 'They live by their wits.'"

Jesse Stuart, poet and novelist, in the 1951 article, "Greenup: My Native Town."

Four decades after Jesse Stuart summed up the character of Greenup, his words still fit.

The big industries down U.S. 23 from Greenup are laying off hundreds of workers, and the new shopping centers in nearby Ashland are luring away what little business is left.

But drawing on a sense of history, which gives them a sense of hope, the townspeople sort out what is fleeting and what will last. Greenup has been a town for almost 200 years, in part because it has changed with the times while preserving what it could. The landscape along the Ohio River has been scarred by floods, fires, and lately, fast food. Golden arches are the first thing you see when you swing into town on Ky. 1, but Greenup is still Greenup at its core.

"It's a little town that should not be forgotten," says Lillian Applegate, a civic leader and nurse who helped start Old Fashion Days, the annual festival decades ago. Fittingly, Old Fashion Days celebrate both the lasting and the ephemeral: last summer, Billy Ray Cyrus of nearby Flatwoods entertained, fulfilling a commitment he made to his home county before he became an overnight sensation with his album "Some Gave All," featuring the song "Achy Breaky Heart."

"He's been here every year for Old Fashion Days," says Norma Staph, secretary at the Chamber of Commerce. But, she adds, without a hint of cynicism, that time may be past:

"If doubt that we could ever, ever afford him again."

That may not be true, for Cyrus owes a lot to the county and he knows it. Country sta-

tion WLGC—FM was playing his music when no one else would, and Cyrus is represented by a Greenup law firm.

But if he were to look at the courthouse lawn, Cyrus would see a reminder of how fleeting fame is—a fancy stone marker engraved, "This Is Don Gullett Country." It is the tribute of a passionate fan to the Cincinnati Reds pitcher of the 1970s, Gullett, unfortunately, quickly threw out his arm.

The marker strikes some people as absurd, but like the Stuart monument on the other side of the walk, it reflects the community's tendency to honor the living. The Stuart monument was erected after the writer suffered a heart attack in 1954, Stuart lived and wrote another 30 years, satisfied that he had won acceptance from his home county, which was quite a while in coming.

The county's attitude toward its living heroes reflects the fact that its residents have deep roots, says regional historian Jim Gifford of the Jesse Stuart Foundation. Because families haven't moved around, "they're more inclined to recognize what's happening around them, and . . . to revere the people out of their own culture," he said.

Greenup has plenty of old history to revere, including its founding by, among others, Jesse Boone, brother of Daniel. The town was soon filled with adventurers from the East Coast and elsewhere, and enjoyed a fine cultural life, including a school that offered Latin, Greek and German. It was perhaps most clearly defined by the Ohio River, which flows so close to the courthouse that you can skip stones from the parking lot.

With about 1,200 people a number that has changed little in the last hundred years, Greenup is one of the smallest of eight towns in Greenup County. But with its seniority and status as the county seat, it is in many ways the leader. Russell and Flatwoods, between Greenup and Ashland on U.S. 23, are bigger but much newer, both serving mainly as residential communities for big industries along * * * like relatives from different branches of the same family. They grew to meet different needs, but they serve many of the same purposes, tying the industrial south end of Greenup County to the undeveloped areas in the north and east.

Greenup is the government center. Lawyers are quickly filling the storefronts, something the townspeople have resigned themselves to. Greenup was once renowned as a marrying place. Couples could get tested, licensed and married in quick time, and to this day it issues almost as many marriage licenses each year as it has people, 1,000 to 1,100.

On the other hand, Flatwoods, which has no real downtown and only one traffic light, is a sort of bustling suburb with almost 8,000 residents. It is the biggest town in the county.

The communities also share a strong bond through their schools, which have been in the limelight for years. In 1949 Stuart won acclaim—although not necessarily at home—for his stories of teaching and managing the local schools in "The Thread That Runs So True." The book illustrated the need for school reform and also served as a primer for teachers. Today, Stuart's books are popular with schoolchildren and teachers.

The schools in Greenup County are different now. There is a consolidated county school system and independent systems in Russell and Raceland. They have had their successes, most recently when the Greenup County High School and the Russell High School bands, along with the Fairview High School band from Boyd County, were invited to march as a unit next month at the inauguration of President Bill Clinton.

But the personal significance of the schools was expressed in the visit, two weeks ago, of Cyrus to Russell High School for the taping of an ABC-TV special. Seeing former principals, coaches, teachers and cafeteria workers, Cyrus (still "Bill" to the people who really know him) stumbled all over himself trying to tell them how much they had helped him. A wide receiver on the football team that won the state AAA championship in 1978, he told Coach Ivan McGlone that he'd taken his advice to heart, writing it on the wall of a Huntington, W.Va., lounge where he sang for years:

"One of the things that I wrote was that you'll play on Friday night like you practice all week long," he said. "Every single night I'd go out and give everything I've got."

To another teacher, he explained how he'd tried to dredge up his Spanish during interviews in Spain, where he had a hit record: "I didn't do too good."

And in front of 800 screaming students, he was unashamedly sentimental: "There's a part of me that will always be part of this gymnasium," he said. He started calling out names of his football teammates, and the crowd helped. "All these people are the very definition of 'Some Gave All,'" he said.

Cyrus' advice to the students was to decide what you want in life, then persevere until you get it. His example: If you want to buy jeans at the mall, you have to decide what kind, drive there, and buy them.

(Stuart's advice on the courthouse lawn is, "Sing your song, dream your dream, hope your hope and pray your prayer.")

There is a sad irony in Cyrus' illustration. The malls in Ashland and Huntington are eating up the business in the town of Greenup. Many of the businesses had already moved from downtown to U.S. 23, the four-lane road that runs along the river past the huge CSX railyards in Raceland and Armco Steel in Russell. Other businesses have sprung up, including a company that develops software, Navix, and a chemical plant, PCI.

But back toward Greenup, where the businesses are typically small, one of the recent successes on U.S. 23 is a store that illustrates how Greenup residents use their wits: Tri-State Dancewear supplies the Greenup County cheerleaders with body suits and shoes. It also serves dance studios in Kentucky, Ohio and West Virginia. "For this area," admits sales manager Karen Ratliff, "we do boom."

The store's bright-pink exterior contrasts dramatically with the rest of the town, where Lawson Hardware has been operated by the Lawson family for exactly 100 years, and the Applegate shopping center just off U.S. 23, which houses the Food Lion.

But it complements the many pizza places that also seem to boom in Greenup. "Everybody sees a dollar in it," says restaurant owner Mike Long. "A pizza place anymore is not just a pizza place."

Aside from the concerns of any small town, says Greenup Mayor Charles Veach, "We never have any problems."

Not quite. The county had to deal for years with a controversy over the Green Valley landfill, which is now in operation after a protracted environmental fight. That dispute has been supplanted by a new one: whether cockfighting is to be allowed in Greenup.

But it's true that Greenup itself, while bereft of real industry, has few of the problems associated with development.

Stuart also wrote in 1951 that the town could have had industry if it wanted it—but by being hemmed in by a creek and two rivers, that would have been difficult.

One thing is sure, he wrote. "Never will Greenup be a pillar of smoke by day and a flame by night. For Greenup is steeped in her own traditions, her own way of living and industry will be slow, if ever, to get inside her barriers."

Population (1990): Greenup, 1,158; Greenup County, 36,742.

Per capita income (1988): $12,786, or $44 below the state average.

Big Employers: Greenup has no industry or big businesses, Major employers in the area are Ashland Oil, 3,734 employees; Armco Steel, 2,900; and CSX Transportation, 1,175.

Education: Greenup County Schools, 3,563 pupils. State vocational schools are in South Shore and Russell in Greenup County, as well as in Ashland. Morehead State University is about 50 miles away. Also nearby are Marshall University in Huntington, W. Va., and Shawnee State University in Portsmouth, Ohio.

Transportation: Greenup is served by U.S. 23 and the AA Highway; interstate 64 is accessible at Ashland, CSX Transportation provides rail service. Air service is provided at the Ashland Regional Airport about 15 miles away. The nearest commercial service is Tri-State Airport near Huntington, W. Va. Thirty-four trucking companies serve Greenup and Boyd counties. The region is served by barges on the Ohio and Big Sandy rivers.

Media: Newspaper—Greenup News (weekly). Radio—WLGC-FM (country) and WTCV-AM (Southern gospel).

Topography: Greenup sits amid hilly terrain at the confluence of the Little Sandy River and the Ohio River. The county is split into three parts by Little Sandy and Tygarts Creek.

FAMOUS FACTS AND FIGURES

One of the oldest towns in Kentucky, Greenupsburg was laid out about the time Greenup County was created in 1803. Both were named for Christopher Greenup, governor from 1804–1808. The General Assembly shortened the town's name in 1873 so it wouldn't be confused with Greensburg in Green County.

The two most famous people from Greenup are both named Jesse. Jesse Boone, brother of Daniel, brought his family to Greenup around the end of the 18th century. Daniel Boone visited him before moving to Missouri. Jesse Boone's cabin has been preserved at the county fairgrounds. The other famous Jesse is Jesse Stuart, the prolific novelist and poet whose stories about life in Greenup County made him a national figure and focused attention on the hill people of Eastern Kentucky as well as his home county. Stuart, born in 1906, died in 1984.

Even though Greenup is a haven for history buffs, the monuments on the courthouse lawn were erected for living figures of the 20th century—Jesse Stuart, who lived for 30 years after his monument was dedicated; Don Gullett, the former Cincinnati Reds pitcher; and Lillian Applegate, a civic leader from one of the town's most prominent families. The monument to Applegate is a tree.

Charcoal furnaces made of stone were major producers of iron before and after the Civil War. By 1850 there were 19 blast furnaces in Greenup County. The remains of the old Buffalo furnace are preserved at the Greenbo Lake State Resort Park. It reportedly could produce 15 tons of iron in 24 hours—with the help of 150 men.●

RULES OF THE COMMITTEE ON THE JUDICIARY

• Mr. BIDEN. Mr. President, I ask that there be printed in the RECORD at this point the rules of the Committee on the Judiciary.

The rules of the Committee on the Judiciary follow:

RULES OF THE COMMITTEE ON THE JUDICIARY

I. MEETING OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the Minority.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

NO CHANGE FROM 102D CONGRESS

Immigration Subcommittee: Kennedy, Chairman; Simon; and Simpson.

Antitrust Subcommittee: Metzenbaum, Chairman; DeConcini; Heflin; Simon; Thurmond, Specter; and Hatch.

ADDITIONAL OR CHANGES IN MEMBERSHIP

Patents Subcommittee: DeConcini, Chairman; Kennedy, Leahy, Heflin, continuing members; Feinstein, new member; Hatch, Simpson, Grassley, continuing members; and Brown, new member.

Technology Subcommittee: Leahy, Chairman; Kohl, continuing member; Feinstein, new member; Specter, new ranking minority member replacing Brown; Pressler, new member.

Courts Subcommittee: Heflin, Chairman; Metzenbaum, Kohl, continuing members; Moseley Braun, new member; Grassley, Thurmond, continuing members; Cohen, new member.

Constitution Subcommittee: Simon, Chairman; Metzenbaum, DeConcini, Kennedy, continuing members; Brown, new ranking minority replacing Specter; Hatch, continuing member.

Juvenile Justice Subcommittee: Kohl, Chairman; Biden, continuing member; Moseley Braun, new member; Cohen, new ranking member replacing Brown; Pressler, new member.•

A TRIBUTE TO THE OLD BARRACKS ASSOCIATION

• Mr. LAUTENBERG. Mr. President, all of us are familiar with the famous painting depicting Gen. George Washington and his troops, huddled in their small boats, quietly crossing the ice-clogged Delaware River on Christmas night in 1776. We know that they are headed toward Trenton, NJ, for a surprise attack on the British forces there and a battle that will prove to be the turning point in our Nation's fight for independence.

For many of us, that painting symbolizes the very spirit of the American Revolution. Despite the seemingly insurmountable odds, the colonists were determined to obtain the right to chart their own destiny.

They knew that neither the battle the next day in Trenton, nor the new government that would be born several years later, would be easy undertakings, but their desire for freedom, democracy, and independence was much stronger than their fear of failure.

Today, the sole remaining building with a direct connection to Washington's first victory, and the oldest public building in New Jersey, is the Old Barracks Museum in Trenton.

This year marks the 90th anniversary of the founding of the Old Barracks Association, an organization dedicated to preserving this important historic landmark and to giving today's Americans an understanding of the political ideals and values that shaped our Nation.

The members of the Barracks Association believe that civic pride and civic responsibility must be a vital part of our national character. They believe it is important that those of us who are fortunate enough to live in America today understand why this country came into being in the first place, and appreciate the hard-won social and political advances that gave birth to it and have preserved it for more than 200 years.

Through their work, the members of the Old Barracks Association pass that sense of history and those founding American values on to the 21,000 schoolchildren and 10,000 adults who visit the museum every year.

Mr. President, I ask that the Senate join me in commending the Old Barracks Association on its 90th anniversary and in honoring the great contribution that the members of the association are making to the American experience.•

BREAKING THE CYCLE OF VIOLENT CRIME

• Mr. SIMON. Mr. President, I ask to insert at the end of my remarks a copy of an article, "Breaking the Cycle of Violent Crime," written by Barry Krisberg, president of the National Council on Crime and Delinquency [NCCD], and William H. Rentschler, a member of the NCCD board of directors and publisher of the "Rentschler Report." They make a number of practical suggestions, but let me call attention, particularly, to what they call "substantive reform of sentencing practices."

They suggest that we clearly need some modification of our sentencing practices. They write:

Conclusive research by the NCCD makes it clear that increasing punishment by itself will not reduce crime. Prison sentences in the U.S. already are the harshest in the world. An overly severe sentence may serve as a public display of social condemnation and reinforce the "get tough" image nursed so diligently by officeholders, but its main impact is negative in tying up scarce prison space and thus exacerbating the costly, dangerous overcrowding dilemma. Further, excessive sentences make rational sentences seem lenient to the public.

The huge and ever-rising cost of the nation's correctional apparatus is restricting state and federal programs in areas of dire people needs, such as education, health care, support for poor and ill-treated children, mental health, roads and public facilities.

They claim that 50 percent of the Nation's prisoners are not dangerous and "are incarcerated for offenses that do not endanger public safety and threaten physical violence."

What we do know is that we have more prisoners than any country in the world.

We also know, we have a higher percentage of our population in prison than any other country, South Africa being a distant second.

There is disagreement on whether that has an impact on crime. The Department of Justice has issued a report saying that it does and also claiming that there is no racial discrimination in sentencing, both conclusions highly questionable.

At this point, I ask to insert their full article in the RECORD.

The article follows:

[From the Chicago Tribune, Jan. 26, 1993]

BREAKING THE CYCLE OF VIOLENT CRIME

(By Barry Krisberg and William H. Rentschler)

This is the ideal time for some tough but sensible new initiatives that offer realistic promise of reducing crime in America over the next four years.

A rare opportunity confronts the Clinton administration. There is no quick fix, but President Clinton has a legitimate chance to adopt an innovative, enlightened approach to crime and punishment that will yield far better results at significantly less cost than anything proposed or attempted in the last two decades.

Despite squandering countless billions of precious tax dollars on more prisons (14 in Illinois alone in the 1980s at an initial capital cost of $1.25 billion); despite far longer sentences and the highest incarceration rate in the civilized world; despite unending, overhyped, failed "wars" on crime and drugs, violent crime—especially that linked to drugs and guns—continues to spiral upward in this increasingly violent nation. What Clinton proposed during the recent campaign were sound, modest, reason-based steps in the right direction:

Federal funding to supply 100,000 more police officers—mainly trained in "community-based policing"—to walk the beat in tough, high-crime neighborhoods.

Additional funding for drug education in the schools and drug treatment on demand—critical initiatives. Says Judge Michael B. Getty of Cook County Circuit Court: "We must get away from the pattern of reactive responses and search for proactive, preventive solutions. This requires the foresight of Noah rather than the hindsight of Mrs. O'Leary."

Federal dollars to help urban communities (like Chicago, Evanston, Waukegan, Elgin) make their beleaguered schools safer, with strong voice for local officials, school boards and neighborhood residents.

Established of "boot camps" nationwide to give young offenders a second chance a second chance to become productive citizens.

Support for the Brady Bill and a ban on assault weapons as a start in controlling the alarming rise in gun deaths, two measures opposed by President Bush but aggressively supported by Chicago Mayor Richard M. Daley, who intends to lead a nationwide crusade against the gun menace.

Even though crime continued to escalate under the counter-productive "get tough and tougher" policies of the Reagan-Bush Justice Department, Bush charged that Clinton is soft on crime and his election would endanger public safety. While there is no evidence to support this claim, such overblown, politicized rhetoric helps explain why grid-lock is the norm in setting national criminal justice policy and why enlightened legislators tiptoe for fear of being branded "soft on crime."

The National Council on Crime and Delinquency (NCCD) was asked by the Clinton transition team to provide suggestions for combating the scourge of violence in the nation. We have proposed two primary initiatives:

The highest immediate priority is youth crime.

In the past five years juvenile violent crime rates have grown by a staggering 48 percent. Murders by juveniles have nearly doubled. This terrible crime increase has occurred despite a 28 percent growth in the juvenile incarceration rate, coupled with stiffer penalties for young offenders.

What is more troubling is that we can expect much higher rates of youth crime in the next several years, no matter what countermeasures are adopted in the short term. In part, this pattern is virtually assured as the "Echo Baby Boomers" move through their high crime-prone years. Matters will be made worse by the collective impact of increased child poverty, family stress, unchecked child abuse, sustained high rates of teenage unemployment and a widespread feeling of hopelessness among the urban poor.

We urge the new president to give immediate attention to this urgent challenge.

We call on President Clinton to establish, as a highest priority, a White House Office of Juvenile Delinquency and Youth Opportunity—one of the first policy moves made by President John F. Kennedy when he took office.

This special White House office should design and implement a cogent, realistic, humane national program, using existing dollars, that would integrate the competing and overlapping efforts of Cabinet and other federal agencies. The new president should move immediately to seize this critical initiative.

The need is not for more tax dollars. We are already frittering away billions in scattered and ineffective ways. Equally important, the new approach to youth crime must focus on prevention and thus must embrace a decidedly broader perspective than the narrow, get-tough mentality of the Justice Department, law enforcement establishment, and public at large in the last two decades.

Substantive reform of sentencing practices is equally essential.

Conclusive research by the NCCD makes it clear that increasing punishment by itself will not reduce crime. Prison sentences in the U.S. already are the harshest in the world. An overly severe sentence may serve as a public display of social condemnation and reinforce the "get tough" image nursed so diligently by officeholders, but its main impact is negative in tying up scarce prison space and thus exacerbating the costly, dangerous overcrowding dilemma. Further, excessive sentences make rational sentences seem lenient to the public.

The huge and ever-rising cost of the nation's correctional apparatus is restricting state and federal programs in areas of dire people needs, such as education, health care, support for poor and ill-treated children, mental health, roads and public facilities.

The public needs to understand that 50 percent or more of prison inmates—in Illinois and elsewhere—are not dangerous and are incarcerated for offenses that do not endanger public safety and threaten physical violence.

A wide range of far less costly alternatives to incarceration are effective in punishing non-violent and first-time offenders. Noted University of Chicago criminologist Norval Morris, an NCCD director, deplores the lack of alternative sanctions in use today.

"It's either a lobotomy or an aspirin, with nothing in between," he laments, "which makes no sense at all."

The new president must revamp the U.S. Sentencing Commission with a clear mandate to establish fair and equitable sentencing guidelines and restore reasonable discretion to judges to base sentences on an evaluation of the individual wrongdoer and extenuating circumstances. Determinate and mandatory sentencing laws (such as Class X in Illinois) has not only created an impossible fiscal burden on the states, but also resulted in outrageously inequitable punishment for minor, non-dangerous offenders, especially minorities, at great and needless cost to society.

The new Clinton administration can make a positive difference by attacking the rampaging monster of violent crime in rational ways and shunting aside the failed nostrums of the recent past. Demonstrable progress in making our streets and neighborhoods safer will reinforce the Clinton campaign pledge of "putting people first."

The agenda we proposed, effectively implemented, stands a strong likelihood in the next four years of breaking the cycle of escalating violent crime without requiring huge additional outlays of tax dollars.•

EQUAL REMEDIES ACT

• Mr. DURENBERGER. Mr. President, one of the first bills introduced in this session was the Equal Remedies Act. I am proud to be the lead cosponsor of this important piece of civil rights legislation.

In the 102d Congress, we passed the Civil Rights Act of 1991, a bill that gave the right to recover compensatory and punitive damages to certain victims of intentional discrimination in the workplace—women, religious minorities, and people with disabilities. The total amount of damages was capped in a compromise provision that was aimed at gathering broad support for the bill.

The Civil Rights Act of 1991 was a significant step forward, but it has left us with a glaring double standard in the way we treat discrimination cases. This inequality is what the Equal Remedies Act addresses.

Victims of discrimination on the basis of race or national origin have always been able to recover damages without limit. Because of the cap in the 1991 Civil Rights Act, however, victims of other types of discrimination are relegated to second-class remedies. The Equal Remedies Act removes the cap on damages for women, religious minorities, and people with disabilities.

I do not necessarily believe that the-sky's-the-limit lawsuits are the best way to fight discrimination in the workplace. But it is a matter of simple justice to offer the same remedies to all victims of discrimination.

If we as a Nation decide that discrimination damages should be capped,

then they should be capped for all victims. If on the other hand, some victims can recover damages without limit, then that standard should apply across the board.

Unjustified bigotry against people with disabilities, religious minorities, and women is no more tolerable than racial bigotry in the workplace. It simply does not make sense to apply unequal standards in these discrimination cases.

The Equal Remedies Act was reported favorably out of the Senate Labor Committee last year, but the full Senate did not take up the bill before Congress adjourned. I hope that we can work quickly in this session of Congress to pass the Equal Remedies Act and send a message that all types of discrimination are equally unacceptable.•

HONORING GERALD S. DEPASQUALE

• Mr. D'AMATO. Mr. President, I rise today to honor a dedicated public servant, Gerald S. DePasquale. He has once again been installed as the president of the Lake Erie Club which he has served faithfully for many years. The Lake Erie Club is a civic organization which serves the needs of the community. Mr. DePasquale has served the city of Lackawanna as city clerk for the past 28 years. As he retires, I salute him for his community spirit and dedication to the interests of others. DePasquale has served and defended his country since joining the U.S. Navy in 1948. Since that time, he has gone on to participate in many professional and community activities. In particular, Mr. DePasquale has been a longstanding member in the following organizations: American Legion; Moose Lodge; Knights of Columbus; Our Lady of Victory Holy Name Society; and as director of the Lake Erie Italian Club.

Gerald S. DePasquale, has dedicated his life to helping others and promoting loyalty and patriotism. He is an inspiration to all who serve the public and I am sure that he will continue to help others. I salute him.•

LITHUANIAN INDEPENDENCE DAY

• Mr. RIEGLE. Mr. President, today marks the 75th anniversary of Lithuanian independence. It is a great honor to pay tribute to this nation which has a rich tradition and a history which attests to the Lithuanian people's strength, unity, and ability to persevere over insurmountable odds. Despite repeated attempts by foreign powers to repress Lithuanian culture and national identity, the Lithuanian people have proven their resilience by restoring the sovereignty of their nation.

On February 16, 1918, a Lithuanian national council declared Lithuania's independence from Czarist Russia. This declaration received final affirmation when brave Lithuanian forces defeated Polish and Soviet Russian attempts to bring the country under foreign dominance at the close of the First World War. Lithuanians could again enjoy the freedom and independence that various foreign powers had denied to them for over 300 years.

Tragically, Lithuanians once again had to bear the burden of foreign dominance when a German-Soviet pact arranged in 1939, delivered Lithuania into the hands of Stalin and Russia in 1940. Subsequently, Stalin began a brutal policy of sovietization which included the arrest and executions of suspected opponents of the Soviet regime and the repression of Lithuanian national identity. Despite Lithuanian guerrilla attempts to free the country from Soviet oppression, Lithuania was doomed to over 50 years of Soviet domination.

The courageous Lithuanian people defined Soviet attempts to eliminate their culture and patiently waited for their opportunity to free Lithuania from its foreign yoke. During the years of Gorbachev's presidency, a strong national movement began to demand more freedoms for the Lithuanian people and on March 11, 1990 the Lithuanian Supreme Soviet finally declared independence from the Soviet Union. Despite repeated attempts to deny the Lithuanians their newly declared independence, the Soviets were forced to recognize the new state after the failed military coup of August 1991.

This hard-fought victory for independence and democracy stands as a testament to the courage, endurance, and strength of the Lithuanian people. I am honored today as we commemorate not only the original declaration of Lithuanian independence, but the ongoing sacrifices which these people endure to secure their freedom. The Lithuanian struggle stands as a symbol of the need to fight repression and unjust domination throughout the world.

The challenges which now face this new republic are numerous and formidable. Lithuania currently suffers from a sluggish economy and a lack of raw materials and natural resources. Lithuania's inflation rate has climbed above 1,000 percent and industrial production has drastically declined. These factors pose a major obstacle to Lithuania's establishment of a stable democracy and market economy. In addition, Lithuania endures fragile relations with Russia. These tense relations with Russia leaves Lithuania in a tenuous situation as it is still dependent upon Russia for many of its supplies and imports of fuel and raw materials.

In addition, after the dissolution of the Soviet Union in early 1992, between 100,000 to 200,000 Russian troops remained in the Baltic States, with approximately 45,000 of these stationed in Lithuania. By the close of 1992, however, only 15,000 Russian troops remained in Lithuania. In fact, on December 30, 1992, the last Russian forces withdrew from Vilnius. I am delighted to have taken part in the effort to press Moscow to remove all former Soviet forces. On January 3, 1992, I wrote a letter to former President Bush, joined by 36 other Senators, urging him to press Russian President Yeltsin to remove Russian armed forces from the Baltics. I also spoke on the Senate floor in support of an amendment which conditioned aid to the former Soviet Union upon the removal of these forces. I am committed to the withdrawal of the remaining Russian troops from Lithuania. The Baltic republics should never again have to fear the dominance of a foreign nation.

Mr. President, the United States must help Lithuania as it strives to achieve its full potential as an independent nation. I applaud the recent technical assistance programs designed to help the Baltic States, including Lithuania. I believe that we should redouble our efforts in this area to ensure that Lithuania has the opportunity to create a more balanced economy. On this day of celebration of the 75th anniversary of Lithuania's Independence Day, let us recognize the Lithuanian people and their brothers and sisters of Lithuanian descent in Michigan and throughout the United States who today rejoice in the restoration of independence of their homeland.•

EXTRA-LABEL USE OF ANIMAL DRUGS

• Mr. D'AMATO. Mr. President, I rise today to lend my support to S. 304, legislation which addresses the issues of extra-label use of animal drugs.

Currently, a veterinarian can use an animal drug only for those purposes and in those animals listed on the drug's label. Many drugs have numerous applications other than those listed, but cost considerations prevent manufacturers from seeking approval for labeling a product with all of its uses.

The Food and Drug Administration, recognizing this problem, has already stated that it will not institute regulatory actions against veterinarians for extra-label use of legally obtained drugs. The proposed legislation simply codifies this practice.

I thank Senators HEFLIN, PRESSLER, and SHELBY for introducing this important legislation which will protect the lives of many animals, and ask my colleagues to join me in support of this bill.•

COMMUNITY WORKS PROGRESS ACT OF 1993

• Mr. ROBB. Mr. President, I commend my distinguished colleague, Senator

BOREN, for introducing the Community Works Progress Act of 1993, and I am pleased to add my name as a cosponsor of this legislation.

This important bill authorizes grants to states for the establishment of WPA projects. Mandatory participation is limited to individuals who have received at least 2 years of training in the Aid to Families With Dependent Children [AFDC] JOBS Program and are still unemployed. Optional participation is extended to a host of others, including those eligible to receive AFDC benefits, those eligible to receive or have exhausted unemployment benefits, individuals who have been unemployed for at least 7 weeks and are not receiving benefits, those who are at least 2 months behind in court mandated child support payments, and those who are noncustodial parents of a child or children receiving AFDC benefits.

In my mind, this legislation fulfills three very important goals.

First, it reconnects many poor and unemployed individuals with the workplace. Only by providing useful work—and the values and discipline associated with work—can we offer the poor and the disadvantaged a permanent way out of poverty. I believe everyone benefits from the sense of self-worth that earning wages and contributing to his or her community engenders.

Second, society will benefit in return. The original WPA allowed many Americans to both survive the Great Depression and help build the infrastructure of our Nation. Contemporary WPA projects have the potential to leave a great community legacy in such important areas as health care, education, environmental protection, and urban and rural development.

Finally, the WPA concept is compatible with my sense of what the shared contract between a society and its people should embody. While I believe very strongly that our society should conscientiously care for the poor and disadvantaged among us, I also believe that society should expect something in return. Each citizen who can work should have an opportunity to do so. And in return for their compensation, society should have the benefit of their honest labors.

Mr. President, once again, I commend my friend from Oklahoma for his work in preparing this fine legislation.•

SENATE SELECT COMMITTEE ON ETHICS

STATEMENT OF THE CHAIRMAN AND VICE CHAIRMAN REGARDING PUBLICATION OF THE COMMITTEE RULES OF PROCEDURE, AS AMENDED, IN THE CONGRESSIONAL RECORD

• Mr. BRYAN. Mr. President, Senator MCCONNELL joins me to ask that, in accordance with rule XXVI of the Standing Rules of the Senate, the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and amended on February 4, 1993, be printed in the CONGRESSIONAL RECORD for the first session of the 103d Congress, and we ask unanimous consent that the rules be so published.

The amendment adopted by the committee on February 4, 1993, added section (C) to paragraph 6 (Admissibility of Evidence) of rule 6 (Procedures for Hearings), and established rule 412 of the Federal Rules of Evidence as a guide on questions of admissibility of any witness' sexual history in matters involving sexual discrimination, including sexual harassment, or sexual misconduct.

The material follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

Subpart A—S. Res. 338 as amended

(S. Res. 338, 88th Cong., 2d Sess. (1964))[1]

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules for the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the Minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.[2]

[3]"(d)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 11 of rule XXXVII of the Standing Rules of the Senate.

"(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under paragraph (2) from participating in any initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself."

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct,[4] and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal)[5] to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts with-

[1] Footnotes at end of article.

in the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as a result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.[6]

[7](i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners,[8] and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.[9]

[10](b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

"(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

[11]"(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

"(d) Subpoenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpoena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.[12]

[13]"(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

"(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

"(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person in-

volved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

"(8) A brief description of a waiver granted under paragraph 2(c) of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

Subpart B—Public Law 93-191—Franked Mail, Provisions Relating to the Select Committee

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the compliant, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this sub-section providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

Subpart C—Standing Orders of the Senate Regarding Unauthorized Disclosure of Intelligence Information, S. Res. 400, 94th Congress, Provisions Relating to the Select Committee

Sec. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

Subpart D—Public Law 95-105, Section 515, Relating to Receipt and Disposition of Foreign Gifts and Decorations Received by Members, Officers and Employees of the Senate or Their Spouses or Dependents, Provisions Relating to the Select Committee on Ethics

SEC. 515. (a)(1) Section 7342 of title 5, United States Code, is amended to read as follows:

§7342. Receipt and disposition of foreign gifts and decorations.

"(a) For the purpose of this section—

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate.

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

"(D) the department, agency office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

"(A) the accepting and retaining by an employee of a gift of minimal value tendered

and received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

"(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be Prescribed by the employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency or;

"(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e).

"(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use or forwarding to the Administrator of General Services for disposal in accordance with subsection (e).

"(e) Gifts and decorations that have been deposited with an employing agency for disposal shall be (1) returned to the donor, or (2) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

"(2) Such listings shall include for each tangible gift reported—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance;

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

"(D) the date of acceptance of the gift;

"(E) the estimated value in the United States of the gift at the time of acceptance; and

"(F) disposition or current location of the gift.

"(3) Such listings shall include for each gift of travel or travel expenses—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance; and

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listing for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

"(2) Each employing agency shall—

"(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

"(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

"(C) take any other actions necessary to carry out the purpose of this section.

"(n) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies."

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

Part II: Supplementary Procedural Rules

(135 Cong. Rec. S2933 (daily ed. Mar. 17, 1989), amended Dec. 21, 1989)

Rule 1. General Procedures

(a) OFFICERS: The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one

member of the quorum is a Member of the Minority party. During the transaction of routine business any member of the Select Committee, constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) That member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 11 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman of Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provisions of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, deter-

mine that such action is necessary and appropriate.

Rule 2: Procedures for Sworn Complaints

(a) SWORN COMPLAINTS: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) FORM AND CONTENT OF COMPLAINTS: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including, if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) PROCESSING OF SWORN COMPLAINTS:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

Rule 3: Procedures on Receipt of Allegations Other Than a Sworn Complaint; Preliminary Inquiry

(a) UNSWORN ALLEGATIONS OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCES OF UNSWORN ALLEGATIONS OR INFORMATION: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) PRELIMINARY INQUIRY:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and the Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) DETERMINATION WHETHER TO CONDUCT AN INITIAL REVIEW: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and

may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

Rule 4: Procedures for Conducting an Initial Review

(a) BASIS FOR INITIAL REVIEW: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) SCOPE OF INITIAL REVIEW:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this Rule.

(c) OPPORTUNITY FOR RESPONSE: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) FINAL REPORT: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) COMMITTEE ACTION: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

Rule 5: Procedures for Conducting an Investigation

(a) DEFINITION OF INVESTIGATION: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) SCOPE OF INVESTIGATION: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) REPORT OF INVESTIGATION: (1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

Rule 6: Procedures for Hearings

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is con-

cerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) NOTICE OF HEARING: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (3), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee, within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of a majority of the members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive ses-

sion, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

Rule 7: Subpoenas and Depositions

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any Member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

Rule 8: Violations of Law; Perjury; Legislative Recommendations; and Applicable Rules and Standards of Conduct

(a) VIOLATIONS OF LAW: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

Rule 9: Procedures for Handling Committee Sensitive and Classified Materials

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information on material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved

by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by The Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the names of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

Rule 10: Broadcasting and News Coverage of Committee Proceedings.

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit the hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing by radio, television, still photography, or other methods in occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

Rule 11: Procedures for Advisory Opinions

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OR REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

Rule 12: Procedures for Interpretative Rulings

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining and rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(3) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

Rule 13: Procedures for Complaints Involving Improper Use of the Mailing Frank

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINION AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

Rule 14: Procedures for Waivers

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 11 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

Rule 15: Definition of "Officer or Employee"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with rule XLI(4) of the Standing Rules of the Senate.

Rule 16: Committee Staff

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Commit-

tee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, and stated in Rules 34 through 42 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommended additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93-191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified information in the possession of the Select Committee on Intelligence.

(f) Public Law 95-105, Section 515, relating to receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12).

Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), provides:

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 7 (b) to (d) of Rule XXVI of the Standing Rules of the Senate read as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will discuss matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 11 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

FOOTNOTES

[1] As amended by S. Res. 4, 95th Cong., 1st Sess. (1970), S. Res. 110, 95th Cong., 1st Sess. (1977), S. Res. 204, 95th Cong., 1st Sess. (1977), S. Res. 230, 95th Cong., 1st Sess. (1977), S. Res. 312, 95th Cong., 1st Sess. (1977), S. Res. 78, 97th Cong., 1st Sess. (1981).

[2] Changed by S. Res. 78 (February 24, 1981).

[3] Added by S. Res. 110 (April 2, 1977).

[4] Added by Section 201 of S. Res. 110 (April 2, 1977).

[5] Added by Section 205 of S. Res. 110 (April 2, 1977).

[6] Added by Section 202 of S. Res. 110 (April 2, 1977).

[7] Changed by Section 202 of S. Res. 110 (April 2, 1977).

[8] Added by Section 204 of S. Res. 110 (April 2, 1977).

[9] Added by S. Res. 230 (July 25, 1977).

[10] Added by Section 204 of S. Res. 110 (April 2, 1977).

[11] Changed by Section 204 of S. Res. 110 (April 2, 1977).

[12] Section added by S. Res. 312 (Nov. 1, 1977).

[13] Section added by Section 206 of S. Res. 110 (April 2, 1977).•

NOBEL LAUREATE ELIE WIESEL

• Mr. DODD. Mr. President, I rise to say a few words on behalf of Elie Weisel, whose lifelong struggle against hatred and evil is a shining example of the unshakeable human spirit.

Mr. President, Elie Weisel is known to the world as a Nobel Laureate. But he is often better described as a Conscience Laureate. Ever since the world bestowed upon him the Nobel Peace Prize in 1986, Elie Weisel has made it his mission to pay humanity back in full.

When Elie Weisel was awarded the Nobel Peace Prize, he used the opportunity of his acceptance speech to describe why the world must not sit by when the human rights of others are threatened. His words deserve repeating today:

Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Whenever men or women are persecuted because of their race, religion or political views, that place must—at that moment—become the center of the universe.

Today, Mr. President, the center of Elie Wiesel's universe is the former

Yugoslavia. In recent months he has spoken out with clarity and conviction against the rape and pillaging of the people of Bosnia. He has called for the world to bring an end to the suffering of Bosnia. And he has reminded us of our solemn obligation to bring the perpetrators of this outrage to justice.

Mr. President, Harvard University professor Alan Dershowitz recently captured the remarkable spirit of Elie Wiesel in a newspaper editorial entitled "Nobel Laureate Works for Peace." In the editorial, which appeared in the Boston Herald on December 8, 1992, Mr. Dershowitz described a recent visit Elie Wiesel took to Sarajevo with these words:

No one person alone can ever end the cycle of violence and counter-violence that has long plagued the tribal Balkans in general and the heterogeneous city of Sarajevo in particular.

But Elie Wiesel's courageous visit to that dangerous area sent an important message to both perpetrators and victims of the ongoing crimes against humanity. The message is that the eyes of the civilized world are watching, and they will not forget what they have seen, even after this round of violence has abated.

Alan Dershowitz finished by concluding that when the Nobel Committee meets to select the next peace laureate, it should use Elie Wiesel as its model. Mr. President, I couldn't agree more. Elie Wiesel has indeed been an example to us all.

I ask that the full text of the article by Alan Dershowitz be included in the CONGRESSIONAL RECORD.

The article follows:

NOBEL LAUREATE WORKS FOR PEACE

Most individual winners of the prestigious Nobel Peace Prize have taken their gold medals home, cashed their checks and retired into oblivion. Not so with Elie Wiesel, who won the prize in 1986. He used the money to establish a foundation which continues his life work in human rights and his struggle against the forces of hatred and evil that killed his family and millions of others during the Holocaust.

Wherever there is suffering and hatred, the gentle voice and diminutive figure of Elie Wiesel can be heard and seen. Most recently, Boston University Professor Wiesel was standing in clear view of Serbian snipers as he came to bear witness to the suffering and death in the ancient city of Sarajevo. He came not only to bear witness to the tragedy of those who were already dead, but to prevent the death and suffering of thousands of others who face starvation and freezing as the deadly winter approaches.

No one person alone can ever end the cycle of violence and counter violence that has long plagued the tribal Balkans in general and the heterogeneous city of Sarajevo, in particular.

But Elie Wiesel's courageous visit to that dangerous area sent an important message to both perpetrators and victims of the ongoing crimes against humanity. The message is that the eyes of the civilized world are watching, and they will not forget what they have seen, even after this round of violence has abated.

The conscience of the civilized world, whose most articulate representative stood across from the ruins of the great National Library, will not accept the rationalizations offered by all sides for their crimes against each other. It will demand a moral accounting for the gratuitous violence, the tribal retributions, the ethnic cleansing.

Many of the Nobel Peace Prize winners were recognized by the Nobel Committee for their work on behalf of their own people: Most recent winners—Rigoberto Menchu of Guatemala, Aung San Suu Kyi of Burma, the Dalai Lama of Tibet, Bishop Desmond Tutu of South Africa, Lech Walesa of Poland, were honored primarily for helping their own people, and they have continued to try to help their people.

Elie Wiesel's work is far more universal. For example, those who have suffered most in the former Yugoslavia have been the Croats and the Muslims. It was they who Elie Wiesel risked his life to protect. Yet during the Holocaust, which took the lives of 6 million of Wiesel's people, the Croats were among the most barbarous hands-on perpetrators of genocide against Jewish babies, women and men. The Islamic world has been in conflict with Elie Wiesel's people over Israel, and many innocent Jews have been murdered by Islamic co-religionists of Muslims who have been terrorized in Sarajevo. Yet, Wiesel makes no distinctions based on religion, race, creed or even enmity against his own people. He will bear witness, even at the risk of his life, to the suffering of any human beings, so long as they are not the aggressors.

To be sure, Elie Wiesel speaks up on behalf of his people as well, with a voice of unparalleled eloquence. He tried to persuade President Reagan not to follow Patrick Buchanan's obscene recommendation that the American president go to Bitburg to honor the graves of Nazi storm troopers who had played a major role in the Holocaust. By ignoring Wiesel's sage counsel and going to Bitburg, President Reagan contributed to the atmosphere, now rampant in Germany, of legitimizing the SS and what it stood for. It was Elie Wiesel who pricked the conscience of the world by alerting us all to the plight of the "Jews of Silence," who lived lives of outlet desperation in the Soviet Union. It is Elie Wiesel who is today reminding the civilized world that it cannot ignore the ethnic cleansing that gangs of German youths are directing against German citizens of Turkish, Jewish and Romani heritage, as well as against foreigners who have sought asylum in the strong economy that the United States bestowed on Germany via the Marshall Plan.

A great Jewish sage, once wrote, "If I am not for myself, who will be for me? But if I am for myself alone what am I? And if not now, when?" Elie Wiesel lives by that tripartite philosophy. He is the voice of the Jewish people—their international moral spokesman. But he speaks not for Jews alone. Instead, he can be counted to combat hatred and bigotry regardless of who the victims may be. And for Elie Wiesel, tomorrow is never an excuse for not acting today.

When the Nobel Committee meets to select the next peace laureate, it should use Elie Wiesel as its model. It should bestow the prize on a universalist who will continue the struggle for global peace and human rights for all.•

ADVICE FROM A PRO

• Mr. D'AMATO. Mr. President, I rise today to convey the ideas of Muriel Siebert, who is perhaps the best known woman entrepreneur on Wall Street. She is the former New York State Banking Superintendent and president of Siebert & Co., a well-known discount brokerage firm. Ms. Siebert has many substantial and viable ideas which could jump start the economy. Among her many ideas are those concerned with tax credits for small businesses who hire additional workers. Small businesses are the undisputed superstars of job creation, producing 80 percent of all new jobs in recent years. A new job credit is a sensible way to give the economy a boost. I would like to have the following article by Ms. Siebert entered in the RECORD.

The article follows:

[From the New York Times, Jan. 6, 1993]

HIRE WORKERS: GET A TAX CREDIT

(By Muriel Siebert)

There is a bright side to corporate downsizing, which economists say still has at least another year to play itself out as I.B.M., American Express, General Motors and other giants respond to global competition by reducing labor costs.

Small businesses have become the superstars of job creation, producing up to 80 percent of new jobs in recent years. Between 1980 and 1990, when Fortune 500 companies eliminated 400,000 jobs a year, small businesses created 14.8 million. That's well beyond the total number of jobs created by Japan (5.9 million), Canada (1.8 million) and most of Western Europe (3.5 million) combined in that same period.

Considering the success of small businesses in today's service sector and their willingness to take on and retain new employees, it would be innovative and economically sound for the Clinton Administration and Congress to give business a tax credit for hiring additional people.

Many of those hired would be middle managers, members of the once solid middle class, who constitute a majority of those who have lost jobs during the corporate shrinkage. A study for the National Association of Women Business Owners projected that businesses owned and operated by women would employ more people than the Fortune 500 companies by the end of 1992. Forty percent of these businesses have been in business for more than a dozen years.

Unlike monolithic Fortune 500 companies, small businesses behave like families. The association study indicated that one reason for the durability of businesses owned by women is the value they place on their workers. It showed that small businesses hold on to workers through periods when revenues decline. Rather than eliminate workers, they tend to cut other expenses, including their own salaries.

That contrasts with big businesses, where chief executive officers cut the work force sharply while keeping their salaries and perks. Nearly half of the workers laid off by large companies have to swallow pay reductions when they find new full-time work; two out of three work for at least 20 percent less money than before.

If the 3.31 million skilled workers who are unemployed don't find jobs, they could be a drag on the economy for years. Even as uptick in the economy is likely to absorb only a small number of them.

A job-creation credit is as meritorious as the much discussed investment tax credit—a tax break for capital spent on plant and equipment.

How about a tax credit equal to 25 percent of the wages paid every new worker hired by any company over a two-year period after the credit went into effect? To avoid rewarding businesses for merely replacing employees, only companies that increased payrolls by hiring additional employees would qualify.

This revenue subtracted from one side of the Government's ledger would be significantly offset by taxes paid by the new employees, a reduction in unemployment benefits and public assistance costs. In addition, the multiplier effect caused by the impact of new wages filtering through the economy would create additional business and jobs.

A new-job credit is a sensible way to give the economy a boost at a moment when economists believe that big business' harsh measures will result in fewer but more efficient companies and, ultimately, a more competitive economy. The credit would help get Americans back to work by helping to create new jobs.●

LIFT THE ARMS EMBARGO AGAINST BOSNIA

● Mr. FEINGOLD. Mr. President, every day brings more mind-boggling reports and disclosures of further bloodshed and atrocities in Bosnia and Herzegovina. What began in 1991 as the post-cold-war breakup of the artificial, multiethnic state of the Socialist Republic of Yugoslavia has since exploded into a sadistic civil war. Serbian policies of ethnic cleansing and systematic rape of non-Serbs have challenged international promises of the 1940's that never again would we allow such horrors to occur.

Despite good-faith attempts to avert disaster, regions of the former Yugoslavia are suffering the worst violence on European soil since the Second World War. Mr. President, I need not recount the deliberate killing of tens of thousands of people—soldiers and civilians—in Bosnia and Herzegovina, or detail the reports of abuse of detainees, prisoners, and civilians rounded up for expulsion or murder to fulfill Serbian policies of ethnic cleansing. We are all painfully aware of the gruesome ordeals through which hundreds of thousands are suffering.

The Bush administration, once it realized that Yugoslavian unity was impossible in the face of Serbian nationalism, supported any solution reached peacefully and democratically. To that end, the European Community and the United Nations also have negotiated numerous cease fires among the warring parties. Similarly, U.N. peacekeeping troops and humanitarian organizations have been deployed to protect the populations under siege. The United Nations has passed other resolutions, such as sanctions against Serbia and Montenegro and a flight ban over Bosnia. In the Senate, I am a cosponsor of a Lautenberg resolution, calling on the United Nations to include rape in the definition of "crime against humanity."

Unfortunately, Mr. President, it is time to recognize that these efforts, however noble, are simply not working. In my opinion, the Clinton administration's six-point plan, announced last week by Secretary Christopher, signals a necessary change in United States policy toward the Balkan Republics. Where the Bush administration left the problems of the former Yugoslavia to fester and then explode, President Clinton has recognized that the United States, in conjunction with the international community, must be more active and engaged in efforts to resolve the crisis in Bosnia and Herzegovina.

However, Mr. President, I support a seventh point to the administration's plan: Lift the arms embargo against Bosnia.

Throughout my campaign for the U.S. Senate I was occasionally briefed by my fellow citizens in Wisconsin on this issue. Wisconsin has well over 80,000 persons of Croat, Bosnian, and Serbian ancestry. In October 1992, I met with a group of Croats, at a Croatian church in Milwaukee, where I was told about the ironic danger the arms embargo was posing to the Bosnians. I was warned that Bosnia would be further Balkanized through one-sided Serb aggression if the arms embargo was maintained; that, in fact, the embargo was only strengthening the Serbs. Lifting the arms embargo against Bosnia sounded right then, and it sounds right today.

When the embargo was imposed by the United Nations 18 months ago it favored the Serbs, for they had inherited the massive weapons arsenal from the Yugoslav Army. Furthermore, the United Nations has thus far lacked the resolve and the imperative necessary to enforce its resolutions. As a result, according to defense specialists and customs officials, assault rifles, rockets, anti-aircraft weapons, rifles, and ammunitions are smuggled into the region, and sold to the highest bidder. Obviously, the blockade against Serbia has not stopped military supplies from reaching Serbia. Even worse, once these goods reach Serbia, they are shipped to Serb-held areas of Bosnia.

The U.N. embargo, then, only denies food, water, electricity, and weapons to the Bosnian Moslem and Croats under siege by the Serb minority in Bosnian territory. Quite frankly, it has left them defenseless.

No one wants to see an escalation of tensions and armaments in the region. However, this is no longer a civil war. It is, at least in part, a war against Serbian aggression. This must be halted, and should not, under any circumstances, be tolerated or appeased.

We have few alternatives at this point. Sadly enough, continuing diplomatic negotiations—though the solution in the long term—do not protect the Moslems from daily, wholesale slaughter. The United Nations and the European Community thus far have been either unwilling or unprepared to intervene militarily. Like President Clinton, I remain skeptical and concerned about using U.S. ground troops in the region.

Thus, the Bosnians are left without diplomatic or military protection. They are left naked in the face of naked aggression. The United States, the United Nations, the E.C., or any other international body cannot protect against this aggression. At this desperate juncture, Mr. President, I believe we must lift the arms embargo. At the very least, the Bosnians are entitled to any self-defense they can muster.

In addition, U.N. resolutions must be enforced. If the international community cannot protect the Bosnians, then, as the administration clearly recognizes, the aggression may very well continue on to Kosovo and Macedonia.

In this post-cold-war world, we should be crafting policies which enhance an international system of law, and address desperate humanitarian crises such as that in Bosnia and Herzegovina. Lifting the arms embargo is hardly a precedent we relish setting. However, in this extreme case it is the correct and just course to follow.●

THE DRUG WAR IN THE 1990's

● Mr. D'AMATO. Mr. President, I rise today to discuss an important issue for all Americans, the future of the war on drugs. In these early days of a new administration, before an Attorney General, a Director of National Drug Control Policy, or a Drug Enforcement Administration Administrator are confirmed, I want to review the current situation as I see it and make some comments on the supplyside policy choices facing President Clinton and his senior aides.

While "it's the economy, stupid," remains true, I believe that illegal drug trafficking and use, and the violent crime associated with it, is a close second priority. How that priority will be addressed under President Clinton is the question.

My first and most urgent point is that the new administration should not start over with a clean sheet of paper. I want to emphasize that what we have done—the Congress, the executive branch, and State and local authorities—is valuable and effective and must not be discarded.

The most important progress we have made in the drug war is also the most tenuous and fragile and the most easily lost. What is that progress? On the supply side, it is getting separate agencies and authorities to work together.

That sounds simple, but it is harder than most Americans would willingly believe, yet it is incredibly central to success. In the past, at the Federal level, counterdrug efforts were uncoordinated, separate, and often contradictory and contentious as agencies

vied for public prominence and larger budget shares. Turf protection unquestionably ranked ahead of mission accomplishment in the individual agencies' approaches to their jobs, regardless of their rhetoric.

Since the Anti-Drug Abuse Act of 1988, we have made slow but definite progress in rationalizing our approach to fighting drugs. On the Federal level, we created institutions whose primary goal was to see the whole forest instead of just the trees, and chart a path through the forest for this country, leading to the achievement of the goal set forth in the act of a drug-free America by 1995.

Sadly, it is clear that we will not come close to meeting that goal. However, we are closer to it than we were when we started. We have built successful models for managing the Nation's counterdrug efforts. Since it would take at least as long to replace these models with something new as it did to create them in the first place, I strongly urge the Clinton administration to pay sharp attention to them and to place a major emphasis on carrying forward the work that has been done so far with a minimum of disruption and redirection.

Let me be specific. The Office of National Drug Control Policy [ONDCP], regardless of its shortcomings, is very valuable. I strongly recommend that it be retained in the Executive Office of the President and not be moved elsewhere in the Government. Moreover, I believed when the Office was created and continue to believe that the incumbent Director of National Drug Control Policy—the drug czar—should have Cabinet rank.

Why is this so? The central point is that the Director of National Drug Control Policy is the only person in the executive branch other than the President himself who has the charter to look across agency boundaries and attempt to coordinate policies and expenditures on both the demand and supply sides of the drug war. Since the drug czar must coordinate the activities of Cabinet departments, it is an iron law of bureaucracy that he or she must have the rank—Cabinet rank—necessary to make it work.

It should be clear to the least perceptive person that the President does not have the time to manage the drug war himself. If he does not do it, that means, absent the drug czar, that nobody does it. If nobody does it, our national effort to fight drugs will unquestionably fail.

I do not think it is possible to overstate this point—without central management, turf wars, and agency rivalries will swiftly tear apart the fragile cooperative relationships that have been so slowly and painfully established, mostly on the supply side, from the Federal level down to the State and local levels. Once those cooperative relationships and the small institutions created to establish and foster them are gone, so is any hope for a rational, cost-effective approach to fighting drugs in America.

Critics say that all of the objective indicators—street price, purity, quantities of drugs confiscated, DAWN statistics—indicate that, at best, we are barely holding our own in the drug war, and are clearly not winning.

I have worked on the fight against drugs for 12 years. It would shock many of my colleagues, and most of my constituents, to learn how slowly the establishment of cooperative relationships and the institution building I have mentioned have gone. Critics will say, well, your approach has had years and years to work and increasing billions of dollars of resources, and we do not see progress.

My answer is that progress takes time—especially when you are making changes that challenge embedded cultural values that have been in place as long as the agencies involved have existed, for all practical purposes.

Let me give you one specific example—the involvement of the Defense Department in the war on drugs. DOD was long of the opinion that the drug war was no business of the military—it was a distraction from the campaign against the Evil Empire. Moreover, the drug war held dangers that the military had no stomach for—in foreign affairs, the chance of being drawn into low-intensity conflicts with overtones of Vietnam, and in domestic affairs, the chance of being drawn into law enforcement-related activities that would force the Department to engage in executive branch Federal law enforcement interagency politics and would expose it to political crossfire in the domestic arena generally.

This was changed when Congress ordered DOD to become the lead agency for detection and monitoring of illegal international drug trafficking destined for the United States and altered the posse comitatus restrictions to allow greater DOD support for law enforcement. We also directed DOD to integrate Federal drug law enforcement agency command, control, communications, and intelligence capabilities.

As a result, in September 1989, Secretary Cheney issued a directive to the Department and all of the armed services to participate in the drug war. Since that directive was issued, DOD has been working to accomplish its new missions.

It took the Department almost 3 years to learn its way around the problem, to learn who the players are, and to create and refine the institutions it needed to implement the Cheney directive. Internal structures within the Department also took years to create and even longer to achieve maturity.

The Department's drug war chain of command was not clear at the beginning. Within the DOD, the Office of DOD Coordinator for Drug Enforcement Policy and Support was created. The Assistant Secretary of Defense for Reserve Affairs was ultimately designated to also serve as the drug coordinator.

An important step was the decision to apply the Department's Planning, Programming, and Budgeting System [PPBS] to the drug war. Without it, requirements could not be developed in an orderly manner, plans could not be made, budgets to implement them would not come together, and coherent understanding of the problem would be elusive. The Office of the DOD Coordinator for Drug Enforcement Policy and Support performs the PPBS function, unifying budget submissions from the services and unified and specified commands.

Within the Joint Chiefs of Staff, in the Office of the Director for Operations (J-3), the Counternarcotics Operations Division was created. It staffs the Chairman of the JCS and the Secretary of Defense on counter-narcotics operations matters.

Special measures were taken to create drug war intelligence structures to support DOD involvement in the drug war. These structures were new and were built in response to demands from commanders in the field for actionable intelligence on a new and elusive enemy. It is only within the past 18 months—and for some, only within the last 12 months—that these structures have actually begun to do effective work. Also, all of the problems associated with their creation and operation have yet to be fully resolved.

The three Joint Task Forces, JTF-4, 5, and 6, were created but are only now reaching the level of effectiveness we had in mind when we gave statutory and report language direction. Each JTF's work is different because each faces a different environment.

I want to mention another DOD contribution to the drug war. The United States Southern Command, a unified command based in Panama, has responsibility for pursuing the drug war in Central and South America, under the command of Gen. George Joulwan. He has done an outstanding job in leading and coordinating counterdrug efforts in the main theater of war.

In particular, he has shown an ability to draw together officials from U.S. agencies that have in the past been competitors instead of cooperators and persuade them that they each can gain from working in unison in a coordinated approach to the region. He has also worked with the military establishments of the Central and South American States most affected by illegal drug cultivation and trafficking and helped them to see that cooperation against drug traffickers was an honorable mission and one that was important to each of their nation's futures.

I want to commend General Joulwan for his personal commitment to and his contributions to the progress of the drug war. His personal impact was vital to the positive progress that has been made.

This observation leads me back to the main line of this discussion—my appeal to the new administration to leave in place, and, indeed, to foster those centers of cooperation and coordination that have developed so slowly and painfully over the past several years.

Another aspect of this situation is that these institutions are so young and so fragile that their success—when they succeed—is usually attributable to one person—a dynamic leader who took charge and had the ability to sell the benefits of cooperation to the other agencies he or she dealt with. On the other hand, when they fail, the reason for failure is generally that the agency responsible for running the institution did not find and appoint a dynamic leader to take charge of the effort. In so many words, success is personality dependent—far more so than in established organizations with clearly understood charters and legitimacy and bureaucratic momentum.

Atmospherics are incredibly important right now. Getting the right person for the job depends upon the right person seeking the job. Normally, dynamic leaders capable of taking control of and shaping an ambiguous environment filled with potential for controversy and conflict are the kind of people who are on a fast track for promotion and success in their agencies or in public life in general. They will not be available to take these drug war positions if the President's face—and favor—are turned away from the effort.

It is important that, once an Attorney General is appointed, the President makes a general statement setting forth administration policy on the drug war. Nothing short of a statement from the President will do.

If the President speaks, it will be clear to everyone in the various executive departments that the drug war is a priority matter and service in leadership positions in the drug war is desirable. Moreover, it will also be clear that cooperation with persons in drug war leadership positions is necessary and advantageous to the various Cabinet and sub-Cabinet departments and administrations.

The absence of a Presidential message will also send a signal—that it is back to the way it was before—that the drug war is no longer a priority—that loyalty to the old line organizations will be rewarded with promotions and higher budgets—and not innovation and leadership in cooperative areas that bridge organizations. Turf protection, the lowest common denominator of bureaucratic life, will once again take control.

I hope the President will heed this call. If he does not, the drug war goes on the back burner. The best and brightest in the Government will seek those programs and priorities the President supports, and the drug war will become a backwater staffed by second-raters or people awaiting retirement.

If that happens, there will be celebrations in Medellin and Cali, in the Golden Triangle, and wherever else the lords of the drug trade live. There will be more armed violence in America's cities, more public corruption, and more wasted and blasted lives as the chemical poisons there underlings peddle continue to do their evil and destructive work on America's youth.●

PROGRAM

Mr. KENNEDY. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, February 17; that following the prayer, the Journal of the proceedings be approved to date; that following the time for two leaders, there be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator BOREN recognized for up to 15 minutes, and Senator GRAMM, of Texas, for up to 10 minutes; that at 10:30 a.m., the Senate resume consideration of S. 1, the National Institutes of Health Revitalization Act; further, that on Wednesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate a conference luncheon.

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

RECESS UNTIL TOMORROW AT 10 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m. tomorrow morning, February 17, 1993.

Thereupon, at 5:56 p.m., the Senate recessed until Wednesday, February 17, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 16, 1993:

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER.

GARY C. ANDERSON
NEAL M. DOHERTY
ROBERT H. CORDZ
ARTHUR J. DYCK
JOSEPH DIBERNARDO
KIM L. KRZYWICKI
MICHAEL J. QUIGLEY
JOHN P. LANIGAN, JR.
DANA J. ST. JAMES
MICHAEL L. BUTLER
RAYMOND A. PELLETIER
STEPHEN A. FIELDER
EDWARD L. RISTAINO
JANNA LAMBINE
STEVEN F. WIKER
SARAH E. WALSH
TRAVIS J. AIKIN, JR.
JOHN N. LEONARD
JOSEPH O. BROWN
STEVEN E. FABIAN
THOMAS R. WITKOWSKI
PHILIP CENTONZE
CAROLL P. WEDLUND
JAMES A. MCDONOUGH, JR.
JERRY J. SAULTER
CRAIG D. PETERSON
CHRISTOPHER S. KILGORE
EVAN B. CLARK
MICHAEL P. JONES
ALBERT W. HARTBERGER, II
NEVIN L. FIDLER
PAUL D. KIRKPATRICK
MELLISANDE WOERNER
KATHRYN S. GREGORY
MICHAEL H. GRANER
JEFFREY P. WATRY
PAUL B. MURRAY, JR.
PHILLIP W. WALDRON
LARRY D. HICE
MARK S. ZECCA
MARK R. TRAMMELL
PAMELA S. MEBINE
GREGORY P. COLEMAN
GARY L. BAGAAS
RAYMOND G. MEYER
JOHN D. DWYER
DARRYL W. FLATTUM

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE U.S. MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be brigadier general

COL. JERRY E. WARD [redacted]
COL. JOHN W. HILL [redacted]
COL. DENNIS M. MCCARTHY [redacted]
COL. FREDERICK R. LOPEZ [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATES GENERAL'S CORPS

To be lieutenant colonel

JEFFREY F. ADDICOTT [redacted]
DEBRA L. BOUDREAU [redacted]
MICHAEL S. CHILD [redacted]
HOWARD G. COOLEY [redacted]
STEPHEN DEARDORFF [redacted]
ALAN L. DUNAVAN [redacted]
ALFRED L. FAUSTINO [redacted]
DAVID S. FRANKE [redacted]
JAMES GERSTENLAUER [redacted]
MARK S. GRAHAM [redacted]
GEORGE L. HANCOCK [redacted]
STEWART C. HUDSON [redacted]
BERNARD P. INGOLD [redacted]
ROBERT S. JOHNSON [redacted]
MICHAEL J. KELLEHER [redacted]
MICHAEL A. KILLHAM [redacted]
PATRICK W. LISOWSKI [redacted]
JOHN L. LONG [redacted]
DOUGLAS B. MACINNES [redacted]
CHRISTOPHER MAHER [redacted]
SARAH P. MERCK [redacted]
EUGENE R. MILHIZER [redacted]
ADELE H. ODEGARD [redacted]
GARY M. PEROLMAN [redacted]
DAVID L. POINTER [redacted]
JAMES P. POTTORFF [redacted]
TIMOTHY A. RAEZER [redacted]
THOMAS W. RAU [redacted]
SAMUEL J. ROB [redacted]
GEORGE A. SIRMANS [redacted]
ROBERT M. SMITH [redacted]
DAN TRIMBLE [redacted]
KATHLEE VANDERBEOM [redacted]
CARL M. WAGNER [redacted]
DALE N. WOODLING [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

ROBERT E BRAITHWAITE [redacted]
JAMES E CARTWRIGHT [redacted]
JAMES M COLLINS, II. [redacted]
RONALD V DELONEY [redacted]
CHARLES L DOCKERY [redacted]
JON A GALLINETTI [redacted]
WILLIAM C GRUBB, JR. [redacted]
JAMES C HARDEE [redacted]
STEVEN J KING [redacted]
THOMAS R KING [redacted]
JAMES L SACHTLEBEN [redacted]

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

DAVID R HARMAN [redacted]
HENRY J WEILAND [redacted]
DENNIS K STAVER [redacted]

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MARK S BARNHART [redacted]
KENNETH D BONNER [redacted]
STEPHEN J DYROFF [redacted]
JAMES G HUGHES [redacted]
TIMOTHY P HUGHES [redacted]
WESLEY A JARMULOWICZ [redacted]
MICHAEL J KELLY [redacted]
RICHARD J PACKARD [redacted]
JOHN C RADAR [redacted]

STEVEN W RAWSON [redacted]
JOHN D REARDON [redacted]
CHARLES F TOLER, III, [redacted]
CLARENCE L WALLACE, JR. [redacted]

THE FOLLOWING NAMED OFFICER OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

FREDERICK N SHEPARD [redacted]

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

WILLIAM D BEYDLER [redacted]
JOHN K ELDER, [redacted]
GREGORY S FERRANDO [redacted]
PATRICK J GREENE [redacted]
PETER J LOUGHLIN, [redacted]
MICHAEL J MANUCHE, [redacted]
WILL J PEAVY [redacted]
TIMOTHY J REEVES, [redacted]
ERIC J VANCAMP, [redacted]
TROY A WARD [redacted]
DAVID L WHITE, [redacted]
ROBERT S ZAK [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

NURSE CORPS

To be colonel

LAURA BOONE [redacted]
VIRGINIA C. BOSSLEY [redacted]
BARBARA C. BRANNON [redacted]
GLENNDA L. BRUCE [redacted]
CHRISTINE J. CARBONE [redacted]
DAVID L. CLARK [redacted]
BRENDA K. CREF[redacted]
MARGO L. DUCKETT [redacted]
MONICA A. FIGUN[redacted]
MARY K. FRYMAN [redacted]
LINDA C. GARAUX [redacted]
GAY P. HALL [redacted]
ELAINE M. HAUCK [redacted]
DIANA L. KUPCHELLA [redacted]
MARY E. MAXSE [redacted]
JAN B. SCHERMERHORN [redacted]
FRANKIE G. SMITH [redacted]
MARCIA R. TATE [redacted]
KATHLEEN VANDERBURG [redacted]
SARAH J. WILLIAMS [redacted]
PRISCILLA S. WORRA[redacted]
SUE E. YINGLING [redacted]

MEDICAL SERVICE CORPS

To be colonel

RAMON L. BENEDETTO [redacted]
THOMAS J. ESLICK [redacted]
SCOTT H. GARNER [redacted]
CLIFFORD M. LOPE[redacted]
NANCY L. MCDANIEL [redacted]
TIMOTHY M. MORGAN [redacted]
CURTIS W. PEARSON [redacted]
ANN M. PEASE [redacted]
THOMAS A. PETERS [redacted]
JAMES D. REAY [redacted]
WILLIAM T. SANDERS, [redacted]
THOMAS D. SKALOMENOS [redacted]
RICHARD F. WELTZIN, JR [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

JUDGE ADVOCATE

To be colonel

JAY L. COHEN [redacted]
CHARLES J. DUNLAP, JR [redacted]
DANIEL P. HASS [redacted]
JEFFERY T. INFELISI [redacted]
LESTER K. KATAHARA [redacted]
ROBERT L. KUSTER [redacted]
DAVID W. MADSEN [redacted]
MICHAEL R. MCANTEE [redacted]
MICHAEL MCDONALD [redacted]
TERRENCE J. MORAN [redacted]
CHESTER H. MORGAN, II [redacted]
CLINTON C. PEARSON [redacted]
CLARENCE R. PENNINGTON [redacted]
JACK L. RIVES [redacted]
JARISSE J. SANBORN [redacted]
BERNARD K. SCHAFER [redacted]
JACK W. SMITH [redacted]
EDWARD M. STARR [redacted]
JOHN C. SUHAR [redacted]
THOMAS S. M. TUDOR [redacted]
ERIK L. WINBORN [redacted]

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be lieutenant colonel

CANDACE C. ABBOTT [redacted]
CLARCK E. ABELARD [redacted]
ROBERT A. ABOE [redacted]
ABEL ABUNDEZ [redacted]
CRAIG P. ADAMS [redacted]
DAVID G. ADAMS [redacted]
WARREN R. ADAMS [redacted]
ROBERT D. ADSIT [redacted]
DONALD F. AIKEN [redacted]
KEVIN P. ALBERT [redacted]
VINCENT L. ALBERT [redacted]
JOSEPH P. ALFANO [redacted]
JOSEPH M. ALICEA [redacted]
ROBERT R. ALLARDICE [redacted]
BENJAMIN S. ALLEN [redacted]
MICHAEL L. ALLEN [redacted]
THOMAS E. ALLEN [redacted]
DEAN S. ALLRED [redacted]
TODD L. ALMAND [redacted]
RICHARD L. ALMEIDA, JR [redacted]
JOHN R. ALSBROOKS [redacted]
JOHN M. ANDERSON, II [redacted]
JOSEPH A. ANDERSON [redacted]
PAUL R. ANDERSON [redacted]
STERLING S. ANDERSON [redacted]
JOHN D. ANDREWS [redacted]
LAURENS R. ANDREWS, III [redacted]
JOHN G. ANDRUSYSZYN [redacted]
CONSTANTINE A. ANNINOS [redacted]
JOHN C. ARMSTRONG [redacted]
ALEXANDER J. ARNISTA [redacted]
ROBERT G. ARRANT [redacted]
EARL C. ATKINSON [redacted]
JUDY A. ATKINSON-KIRK [redacted]
DAVID ATZHORN [redacted]
INGELORE AUBER [redacted]
WILLIAM N. AUDENAERT [redacted]
PAUL J. AVELLA [redacted]
MARK R. AVERY [redacted]
JOHN W. AYERS [redacted]
CHARLES BAILEY [redacted]
JOSEPH G. BAILLARGEON, JR [redacted]
JAMES F. BAKER [redacted]
MICHAEL T. BAKER [redacted]
VIRGINIA E. BAKER [redacted]
WILLIAM E. BAKER, JR [redacted]
DOUGLAS M. BALL [redacted]
GEORGE W. BALLINGER, JR [redacted]
DOUGLAS A. BANKER [redacted]
DAVID C. BANNERMAN [redacted]
RUSSELL C. BARBERO [redacted]
JASON B. BARLOW [redacted]
GEORGE G. BARR [redacted]
JOHN W. BARR [redacted]
DAVID K. BARRETT [redacted]
THOMAS A. BARRETT [redacted]
ROBERT W. BARTHELMESS [redacted]
DONALD E. BARWICK [redacted]
BROOKS L. BASH [redacted]
MICHAEL J. BASLA [redacted]
FRANK W. BATTEAS [redacted]
ROGER L. BAUCUM [redacted]
HAROLD J. BAUGH, JR [redacted]
JAMES D. BAUGHMAN [redacted]
STEVEN N. BAUMGARTNER [redacted]
DENNIS A. BAXTER [redacted]
JAMES L. BEACH [redacted]
PAUL R. BEACH [redacted]
MICHAEL N. BEARD [redacted]
ANDREW R. BEASLEY [redacted]
ALAN M. BECKER [redacted]
LARRY J. BECKER [redacted]
SYLVESTER A. BELCHER [redacted]
DENNIS E. BELLAMY [redacted]
ANTHONY BENEVENTO [redacted]
PHILIP E. BENNER [redacted]
CATHERINE A. BENNETT [redacted]
BRUCE L. BETTS [redacted]
GEOFFREY S. BIALAS [redacted]
JAMES R. BIERNESSER [redacted]
A. C. BIERSCHBACH [redacted]
BRUCE G. BILLIG [redacted]
DAVID F. BIRD, JR [redacted]
GREGORY H. BISHOP [redacted]
ROCKY L. BLACKWELL [redacted]
JAMES A. BLACKWOOD, II [redacted]
GENE E. BLAIR [redacted]
PATRICIA A. BLAIR [redacted]
YONNIE M. BLANCHETTE [redacted]
MICHAEL E. BLAYLOCK [redacted]
RONALD R. BLICKLEY [redacted]
WILLIAM E. BLOCKER [redacted]
ROBERT J. BLOEMER, JR [redacted]
JEFFREY A. BLOHM [redacted]
JOHN P. BLOOM, JR [redacted]
SCOTT W. BLUE [redacted]
GENE A. BOEDIGHEIMER [redacted]
PATRICIA S. BOGGS [redacted]
DONALD J. BOHAC [redacted]
MICHAEL H. BOHUN [redacted]
MARK E. BONTRAGER [redacted]
DAVID R. BOOZER [redacted]
SCOTT K. BORGES [redacted]
MARK S. BORKOWSKI [redacted]
CLAYTON D. BOSLER [redacted]
JAMES O. BOTHWELL [redacted]
STEVEN M. BOWER [redacted]
CHARLES T. BOWMAN, III [redacted]
BLAIR L. BOZEK [redacted]
MARK D. BRACKEN [redacted]
DAVID S. BRACKETT [redacted]
JACK L. BRADLEY [redacted]
RAY T. BRADLEY [redacted]
FRANK H. BRADY [redacted]
CLAUDE C. BRALEY [redacted]
RICHARD A. BRANDICH [redacted]
WILLIAM A. BRANDON [redacted]
DAVID R. BRETT [redacted]
JAMES H. BRIDGMAN, JR [redacted]
JAMES P. BRIGGS, JR [redacted]
JOSEPH A. BRIGHT [redacted]
GAYLA J. BRILES [redacted]
WILLIAM D. BRINKLEY [redacted]
SHEILA B. BROCKI [redacted]
BRUCE K. BROOKS [redacted]
JAMES J. BROOKS [redacted]
DAVID R. BROWN [redacted]
DAVID S. BROWN [redacted]
DONELL BROWN [redacted]
GREGORY M. BROWN [redacted]
JANICE H. BROWN [redacted]
JEFFREY C. BROWN [redacted]
LARRY S. BROWN [redacted]
LAVELL W. BROWN, III [redacted]
MARY R. BROWN [redacted]
PATRICK J. BROWN [redacted]
RALPH W. BROWN [redacted]
ROY G. BROWN [redacted]
TIMOTHY M. BROWN [redacted]
MARK E. BRUGGEMEYER [redacted]
THAD BRUMFIELD, JR [redacted]
FRANCIS M. BRUNO [redacted]
TIMOTHY O. BUCHANAN [redacted]
CHARLES L. BUCKINGHAM [redacted]
JEFFREY BUCKMELTER [redacted]
RONALD P. BUETTNER [redacted]
JAMES A. BULLARD [redacted]
HOWARD W. BUNTON [redacted]
ALBERT F. BURNETT [redacted]
PAUL J. BURNETT [redacted]
JAMES T. BURTON [redacted]
ANDREW E. BUSCH [redacted]
STEVEN D. BUSCH [redacted]
JOAN H. BUSS [redacted]
JOSEPH S. BUTLER [redacted]
ROBERT F. BYRD [redacted]
RICHARD G. BYRNES [redacted]
ROBERT B. CABELL, JR [redacted]
BARBARA S. CAIN [redacted]
RICHARD A. CALTABELLOTTA [redacted]
CHRISTOPHER D. CAMPBELL [redacted]
DAVID C. CAMPBELL [redacted]
DEBORAH L. CAMPBELL [redacted]
DONALD E. CAMPBELL [redacted]
DOUGLAS N. CAMPBELL [redacted]
TED R. CAMPBELL [redacted]
STEVEN A. CANTRELL [redacted]
PAUL F. CAPASSO [redacted]
STEVEN R. CAPEHART [redacted]
JERRY W. CARBAUGH [redacted]
STEVEN D. CAREY [redacted]
ALLARD R. CARNEY [redacted]
MICHAEL R. CARPENTER [redacted]
RODGER E. CARTER [redacted]
MARK D. CASHIO [redacted]
MICHAEL A. CATLIN [redacted]
SUE T. CAUDILL [redacted]
SYER S. CAUDILL, JR [redacted]
ANTHONY N. CERVONE [redacted]
JAMES C. CHAMBERLAIN [redacted]
ELIA C. CHAMBERS [redacted]
KAREN L. CHAMBERS [redacted]
MICHAEL P. CHAPIN [redacted]
LESLIE L. CHAPMAN [redacted]
MARK D. CHAPMAN [redacted]
HOWARD A. CHARLTON, JR [redacted]
MANUEL A. CHAVES [redacted]
DULLIVAN C. CHAVIS [redacted]
RICHARD W. CHAVIS [redacted]
TINA M. CHESTER [redacted]
STEPHEN P. CHILDERS [redacted]
THOMAS A. CHILDRESS [redacted]
MICHAEL CIMAFONTE [redacted]
ANTHONY A. CIOCCA [redacted]
ROBERT A. CIOLA [redacted]
ROBERT S. CLARK [redacted]
TERRANCE J. CLARK [redacted]
STEVEN F. CLARKE [redacted]
GREGORY G. CLASEN [redacted]
ROBERT S. CLEGG [redacted]
NICHOLAS J. CLEMENS [redacted]
CHARLES T. CLEMENTS [redacted]
RANDALL J. CLENDENING [redacted]
GLENN D. CLEVELAND [redacted]
LARRY J. CLIFTON [redacted]
RONNIE M. A. CLODFELTER [redacted]
JAMES P. CLYBURN [redacted]
JOHN L. CODELLA, JR [redacted]
ALFRED M. COFFMAN, JR [redacted]
THOMAS M. COIT [redacted]
MICHAEL F. COKER [redacted]
PHYLLIS RENEE COKLEY [redacted]
NORMAN E. COLE [redacted]

WILLIAM COLON, JR xxx-xx-x...
KATHLEEN M. CONLEY xxx-xx-x...
MICHAEL G. CONN xxx-xx-x...
EDWARD CONNOLLY xxx-xx-x...
RAYMOND CONTRERAS xxx-xx-x...
THOMAS J. COOLEY xxx-xx-x...
ARRISI MARY COOPER xxx-xx-x...
LESTER D. COOPER xxx-xx-x...
WILLIAM R. COPELAND xxx-xx-x...
STEVEN A. CORBETT xxx-xx-x...
THOMAS P. CORBETT xxx-xx-x...
JERRY T. CORLEY xxx-xx-x...
RICHARD W. CORZINE, JR xxx-xx-x...
RICKY J. COSBY xxx-xx-x...
ROBERT T. COSTELLO xxx-xx-x...
WAYNE M. COTTRELL xxx-xx-x...
CHRISTOPHER J. COULS xxx-xx-x...
MICHAEL A. COUNIHAN xxx-xx-x...
PAUL W. COUTEE xxx-xx-x...
WILLIAM C. COUTTS xxx-xx-x...
JAMES H. COX, JR xxx-xx-x...
TERRY J. COX xxx-xx-x...
MICHAEL M. COYLE xxx-xx-x...
MARK J. COYNE xxx-xx-x...
WILSON D. CRAFTON, JR xxx-xx-x...
MICHAEL R. CRAIG xxx-xx-x...
FRANK M. CRANFILL xxx-xx-x...
STEVEN J. CRAWFORD xxx-xx-x...
PATRICIA M. D. CREWS xxx-xx-x...
TOMMY C. CRISLER xxx-xx-x...
CARL E. CROCKETT xxx-xx-x...
MARK K. CROMER xxx-xx-x...
RONALD S. CROOKS xxx-xx-x...
MICHAEL A. CROSS xxx-xx-x...
MICHAEL V. CROSS xxx-xx-x...
BRUCE W. CROWNOVER xxx-xx-x...
MICHAEL D. CULBRETH xxx-xx-x...
ROBERT A. CUMMINGS xxx-xx-x...
RONNIE W. CUNNINGHAM xxx-xx-x...
CHARLES F. CURRAN xxx-xx-x...
BRUCE L. CURRY xxx-xx-x...
DARREL G. CURRY xxx-xx-x...
KEVIN E. CURRY xxx-xx-...
LELAND S. CURTIS xxx-xx-x...
PAUL J. CURTIS xxx-xx-x...
PAUL S. CURTIS xxx-xx-x...
CONSTANCE A. CUSTER xxx-xx-x...
STEVEN W. DALBEY xxx-xx-x...
RICHARD E. DALTON xxx-xx-x...
JOHN D. DALY xxx-xx-x...
MELVIN L. DANDRIDGE xxx-xx-x...
DENNIS L. DANGELO xxx-xx-xxxx
JAMES T. DANIELSON xxx-xx-x...
DANIEL C. DAUBACH xxx-xx-x...
MICHAEL DAVID xxx-xx-x...
PAUL A. DAVIDSON xxx-xx-x...
CHARLES N. DAVIS, JR xxx-xx-x...
CHARLES R. DAVIS xxx-xx-x...
EDWARD V. DAVIS xxx-xx-x...
GREGORY B. DAVIS xxx-xx-x...
HARRY J. DAVIS, II xxx-xx-x...
JEFFREY A. DAVIS xxx-xx-x...
JIMMY A. DAVIS xxx-xx-x...
KENNETH J. DAVIS xxx-xx-x...
MICHAEL B. DAVIS xxx-xx-x...
RONALD J. DAVIS, JR xxx-xx-x...
JAMES S. DAY xxx-xx-x...
JOHN W. DAY xxx-xx-x...
THOMAS B. DAY xxx-xx-x...
FRANK M. DEARMOND xxx-xx-x...
JONE H. DEBNAM, III xxx-xx-x...
GAETANO DEGIOIA xxx-xx-x...
THURMON L. DELONEY, II xxx-xx-x...
GUY W. DEMPSEY xxx-xx-x...
LLOYD D. DEVORE xxx-xx-x...
EVERETT C. DEWOLFE, III xxx-xx-x...
JOHN H. DIAZ, JR xxx-xx-x...
DENNIS C. DIETZ xxx-xx-x...
DAVID P. DIMIDUK xxx-xx-x...
DAVID L. DINNING xxx-xx-x...
KURT B. DITTMER xxx-xx-x...
ROBERT J. DOAN xxx-xx-x...
CHARLES M. DODD, III xxx-xx-x...
THOMAS H. DOLLAHITE, JR xxx-xx-x...
CHRIS A. DOMANGUE xxx-xx-x...
GRAY R. DONNALLEY xxx-xx-x...
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LARRY D. WILSON xxx-xx-x...
WILLIAM M. WILSON xxx-xx-x...
STEVEN L. WINGFIELD xxx-xx-x...
RODNEY G. WINTER xxx-xx-x...
WILLIAM L. WINTERS, JR xxx-xx-x...
RANDALL E. WISE xxx-xx-x...
VINCENT P. WISNIEWSKI xxx-xx-x...
KEITH E. WOLFSBERGER xxx-xx-x...
TIMOTHY L. WOLTERS xxx-xx-x...
JOSEPH R. WOOD xxx-xx-x...
PATRICIA E. WOODMAN xxx-xx-x...
ALFRED E. WOODS xxx-xx-x...
DANIEL P. WOODWARD xxx-xx-x...
CURTIS A. WRIGHT xxx-xx-x...
DAVID A. WRIGHT xxx-xx-x...
LONNIS D. WRIGHT xxx-xx-x...
STEPHEN E. WRIGHT xxx-xx-x...
WILLIAM D. WRIGHT xxx-xx-x...
SCOTT L. WYMORE xxx-xx-x...
LINDA L. YAEGER xxx-xx-x...
JOHN O. YANAROS, JR xxx-xx-x...
ROBERT R. YAUCH xxx-xx-x...
DAVID C. YOUNG xxx-xx-x...
THOMAS D. YOUNG xxx-xx-x...
NEIL A. YOUTSLER xxx-xx-x...
EDWARD G. ZAKRZEWSKI xxx-xx-x...
LAWRENCE E. ZEBELL, JR xxx-xx-x...
DONALD S. ZONA xxx-xx-x...
JAMES S. ZUPAN xxx-xx-x...
DAVID J. ZUPP xxx-xx-x...
PETER ZWALLY xxx-xx-x...
ANTHONY ZYCH xxx-xx-x...

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

CHAPLAIN CORPS

To be lieutenant colonel

KEVIN K. ADAMS xxx-xx-x...
R. LEE BOLEYN xxx-xx-x...
DAVID E. BROYLES xxx-xx-x...
A. ROBERT BRUNO xxx-xx-x...
GARY W. BUFFINGTON xxx-xx-x...
DENNIS R. COCHRAN xxx-xx-x...
NATHANIEL CRAWFORD, JR xxx-xx-x...
JAMES P. DILLON xxx-xx-x...
RODGER T. ERICSON xxx-xx-x...
LAYNE E. FLAKE xxx-xx-x...
ROBERT W. GARDNER xxx-xx-x...
WILLIAM M. GOFF, JR xxx-xx-x...
WAYLAND M. HARTSFIELD xxx-xx-x...
JONATHAN W. HUBBARD xxx-xx-x...
MICHAEL T. JONES xxx-xx-x...
JOHN N. KONDRATICK xxx-xx-x...
RAYMOND J. LEURCK xxx-xx-x...
DENNIS A. LOVIN xxx-xx-x...
JAMES E. LUDWIKOSKI xxx-xx-x...
JANET R. MCCORMACK xxx-xx-x...
DARRELL D. MORTON xxx-xx-x...
DANIEL N. POWELL xxx-xx-x...
STEVEN R. RICH xxx-xx-x...
PAUL G. RIDER xxx-xx-x...
JOHN S. SANDERS xxx-xx-x...
KATHERINE A. SHINDEL xxx-xx-x...
WILLIAM D. THOMPSON xxx-xx-x...
PAUL L. YEUN xxx-xx-x...

JUDGE ADVOCATE

To be lieutenant colonel

JOHN A. ARRIGO, 328-38-9168
THOMAS E. ATKINSON xxx-xx-x...
KENNETH J. BELONGIA xxx-xx-x...
MICHAEL J. BRESLIN xxx-xx-x...
PETER N. CAREY xxx-xx-x...
CAROLE W. CHEATHAM xxx-xx-x...
MICHAEL L. COLOPY xxx-xx-x...
JAMES L. CONRAD xxx-xx-x...
ANTHONY P. DATTILO xxx-xx-x...
WAYNE E. DILLINGHAM xxx-xx-x...
DANIEL F. DOOGAN xxx-xx-x...
STEVEN A. GABRIAL xxx-xx-x...
MARILYN A. GORDON xxx-xx-x...
ERICH O. HART xxx-xx-x...
JOHN J. KARNS xxx-xx-x...
CHARLES T. KETCHEL, JR xxx-xx-x...
MARCIA L. KURTZ xxx-xx-x...
GEORGE H. LEDBETTER xxx-xx-x...
STEVEN J. LEPPER xxx-xx-x...
RONALD G. MORGAN xxx-xx-x...
STEVEN J. PECINOVSKY xxx-xx-x...
RICHARD A. PHELPS xxx-xx-x...
PAUL E. PIROG xxx-xx-x...
DAVID D. RATHGEBER xxx-xx-x...
KEITH L. ROBERTS xxx-xx-x...
DEAN C. RODGERS xxx-xx-x...
SAM C. RUPE xxx-xx-x...
MICHAEL N. SCHMITT xxx-xx-x...
KIM L. SHEFFIELD xxx-xx-x...
JOSEPH M. WILLGING xxx-xx-x...
TIMOTHY D. WILSON xxx-xx-x...
ROBERT L. WOODS xxx-xx-x...

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD L. ALLEN xxx-xx-x...
MATTHEW W. COGDELL xxx-xx-x...
ALLAN W. DAVIS xxx-xx-x...
JOHN M. DOWNS xxx-xx-x...
MICHAEL R. EARNSHAW xxx-xx-x...
JOHN P. EONTA xxx-xx-x...
BRAD J. HALVORSEN xxx-xx-x...
RANDALL W. HARTLEY xxx-xx-x...
CARL W. HUARD xxx-xx-x...
STANLEY E. HURSTELL, JR xxx-xx-x...
JEANIE M. KEARNEY xxx-xx-x...
PHILIP L. MAHLUM xxx-xx-x...
THEODORE B. MCFARLAND xxx-xx-x...
JAMES P. MORELAND xxx-xx-x...
DANIEL R. G. NEELY xxx-xx-x...
ALFREDO ONTIVEROS, JR xxx-xx-x...
DONALD W. PALEN, JR xxx-xx-x...
RALPH J. RICCARDI, JR xxx-xx-x...
JAMES T. ROSENSWIKE xxx-xx-x...
DAVID J. RUNT xxx-xx-x...
HENRY L. SMITH xxx-xx-x...
THOMAS P. TATKO xxx-xx-x...
LARRY W. THORNHILL xxx-xx-x...
BRETT M. B. UTTERBACK xxx-xx-x...
LUCAS J. WALTER, JR xxx-xx-x...

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

NURSE CORPS

To be major

LAURA M. ABBEY xxx-xx-x...
MARK J. AGUAYO xxx-xx-x...
LINDA L. ALDOUS xxx-xx-x...
REBECCA L. ALLEN xxx-xx-x...
CORTLAND J. ARLIEN xxx-xx-x...
MARY S. ARMOUR xxx-xx-x...
EDNA E. ARTIS xxx-xx-x...
STEVEN L. BAKER xxx-xx-x...
PAMELA J. BARTHOLOMEW xxx-xx-x...
GARY K. BAYNE xxx-xx-x...
LAWRENCE A. BECKER xxx-xx-x...
PAUL T. BEISSER, III xxx-xx-x...
BARBARA BENE xxx-xx-x...
PAUL V. BENNETT xxx-xx-x...
FLORENCE A. BENSON xxx-xx-x...
JANET L. BOURNE xxx-xx-x...
ELIZABETH J. BRIDGES xxx-xx-x...
MARY E. BROWN xxx-xx-x...
SANDRA L. BRUCE xxx-xx-x...
MARY F. CAMPBELL xxx-xx-x...
SUSAN CAPORELLI xxx-xx-x...
LORRIE J. CAPPELLINO xxx-xx-x...
VICKI L. CHAMBERS xxx-xx-x...
VONDA F. CHANEY xxx-xx-x...
KIMBERLY S. COBB xxx-xx-x...
KATHLEEN O. CONCANNON xxx-xx-x...
SUSAN B. CONNOR xxx-xx-x...
KATHLEEN C. CONRAD xxx-xx-x...
BARBARA A. CORMIER xxx-xx-x...
SANDRA E. CORNELL xxx-xx-x...
GAIL A. CORYER xxx-xx-x...
CHRISTOPHER B. COULAHAN xxx-xx-x...
CYNTHIA P. CROOK xxx-xx-x...
JENNIFER D. CUNNINGHAM xxx-xx-x...
ANN P. CURTIS xxx-xx-x...
LAURA W. CURTIS xxx-xx-x...
MICHAEL J. DELONG xxx-xx-x...
KARLENE P. DEPINEUIL xxx-xx-x...
KAREN S. DOANE xxx-xx-x...
KONNIE M. DOYLE xxx-xx-x...
DIEP N. DUONG xxx-xx-x...
COLEEN R. ELMERS xxx-xx-x...
KARLA R. ENGE xxx-xx-x...
LESLIE D. ERICKSON xxx-xx-x...
TERI S. FELIX xxx-xx-x...
JOHN T. FELLOWS xxx-xx-x...
DEBRA A. FINGLES xxx-xx-x...
DEBBIE C. FLOYD xxx-xx-x...
JASON T. FOGG xxx-xx-x...
NORMAN J. FORBES xxx-xx-x...
RHONDA F. FORD xxx-xx-x...
ROY H. FUKUOKA xxx-xx-x...
MOLLY M. GARGALLI xxx-xx-x...
DEBORAH D. GARNER xxx-xx-x...
KENNETH J. GATES, JR xxx-xx-x...
ANGELA E. GEOFROY xxx-xx-x...
CHRISTY A. GIROUX xxx-xx-x...
LYNN C. GRAHAM xxx-xx-x...
JOYCE L. GRIM xxx-xx-x...
DONALD R. GUAJARDO xxx-xx-x...
LINDA I. HAEGER xxx-xx-x...
MICHELE A. HAGARTY xxx-xx-x...
KATHRYN E. HALL xxx-xx-x...
SUSAN R. HALL xxx-xx-x...
LOUANNE E. HAUSMANN xxx-xx-x...
FRED R. HAWKINS, JR xxx-xx-x...
NANCY J. HEISTERMAN xxx-xx-x...
KIRSCHBAUM JOANNE HENKENIUS xxx-xx-x...
EVELYN C. HENRY xxx-xx-x...
MICHAEL W. HENRY xxx-xx-x...
SHARON M. HERMAN xxx-xx-x...
SHERRY A. HERRERA xxx-xx-x...
JOHN T. HILDEN xxx-xx-x...
MARK BARBARA J. HOLMSTEDT xxx-xx-x...
JAMES P. HOLT xxx-xx-x...
MAUREEN E. HOPKINS xxx-xx-x...
GEORGE J. HUBER xxx-xx-x...
DEWEY W. JENKINS, JR xxx-xx-x...
JAMES R. JOHNSTON xxx-xx-x...
PAUL J. KAMMER xxx-xx-x...
REBECCA A. KANTER xxx-xx-x...
KATE H. KEATY xxx-xx-x...
BETH Y. KOHSIN xxx-xx-x...
BARBARA L. KOLDEN xxx-xx-x...
VICKI L. KYZER xxx-xx-x...
JOSEPH P. LANGAN xxx-xx-x...
DAVID L. LARSON xxx-xx-x...
DAVID M. LARSON xxx-xx-x...
AMY LEE xxx-xx-x...
JEANETTE A. LEE xxx-xx-x...
LINDA P. LEE xxx-xx-x...
MAUREEN P. LEIGHTON xxx-xx-x...
MARIACRISTINA C. LEONE xxx-xx-x...
STEPHANIE C. LIM xxx-xx-x...
SOLEDAD LINDO xxx-xx-x...
JIMMY L. LOTT xxx-xx-x...
LAURICE P. LUCAS xxx-xx-x...
MICHAEL J. LUTGEN xxx-xx-x...
BARBARA J. MACH xxx-xx-x...
ALLYSON J. MAES xxx-xx-x...
GINA M. MAIOCCO xxx-xx-x...
RONALD G. MARTIN xxx-xx-x...
CHARLES V. MATTOS xxx-xx-x...
ELIZABETH M. MAUL xxx-xx-x...
MALLORY S. MCDANIELL xxx-xx-x...
MARY A. MERMANN xxx-xx-x...
KAREN P. MORRIS xxx-xx-x...
ALICE C. MURPHY xxx-xx-x...
BARBARA M. MYERS xxx-xx-x...
THERESE M. NEELY xxx-xx-x...
MARY S. NELSON xxx-xx-x...
ANNELIE C. NISSEN xxx-xx-x...
DAVID NORMAN xxx-xx-x...

IVETTE ORTIZDEHARRINGTON xxx-xx-x...
EVELYN S. OTERORUIZ xxx-xx-x...
ELIZABETH A. PACE xxx-xx-x...
LORENA D. PAUL xxx-xx-x...
PAULA L. PENGILLY xxx-xx-x...
PAULA A. PETERS xxx-xx-x...
JANET V. PHELPS xxx-xx-x...
HOWARD E. PHILLIPP xxx-xx-x...
LANE A. PHILLIPS xxx-xx-x...
SHARON M. PICKENS xxx-xx-x...
VICTORIA J. PIERCE xxx-xx-x...
PHYLLIS K. PINKERTON xxx-xx-xxxx
SUSAN G. POLK xxx-xx-x...
PATRICIA L. POPPINO xxx-xx-x...
DENISE M. PROCTOR xxx-xx-x...
SUZANNE T. QUIRAC xxx-xx-x...
AMY E. QUIST xxx-xx-x...
RONALD R. RAHL xxx-xx-x...
JOEL D. RAY xxx-xx-x...
MARGARET A. REILLY xxx-xx-x...
JENNIFER D. REINHARDT xxx-xx-x...
MARK L. RICHARDSON xxx-xx-x...
SUSAN E. RICHMOND xxx-xx-x...
ROBERT O. RIGDON xxx-xx-x...
DIANE C. ROBERTSON xxx-xx-x...
PATRICIA A. ROGERS xxx-xx-x...
VILMA L. ROSADO xxx-xx-x...
JIMMIE JACKSON RYALS, JR xxx-xx-x...
LAURIE S. SALZMANN xxx-xx-x...
BRIJ B. SANDILL xxx-xx-x...
JUDITH SCHAFFER xxx-xx-x...
PAULETTE F. SCHALCH xxx-xx-x...
MARVIN J. SCHUTZIUS xxx-xx-x...
LESA E. SCHWARTZ xxx-xx-x...
REBECCA L. SIMS xxx-xx-x...
DEBRA S. SITES xxx-xx-x...
ERIN E. SMITH xxx-xx-x...
JOSE A. SOTO xxx-xx-x...
JANICE M. SPRUNGL xxx-xx-x...
JESSE J. STAKES xxx-xx-x...
VALERIE M. STEVENS xxx-xx-x...
DIANE K. STRUCK xxx-xx-x...
MICHAEL J. SULLIVAN xxx-xx-x...
STEPHEN E. SWANAGIN xxx-xx-x...
SHERRY A. SWANSTON xxx-xx-x...
RICHARD C. SWANSTROM xxx-xx-x...
WALTEA J. SWASEY xxx-xx-x...
MIRIAM S. TALLEY xxx-xx-x...
LUCILLE P. TAYLOR xxx-xx-x...
ANGELA L. THOMPSON xxx-xx-x...
GREGORY G. THOMPSON xxx-xx-x...
FRANK B. THORNBURG, III xxx-xx-x...
ALLYSON A. THORPE xxx-xx-x...
THOMAS N. TILLMAN, JR xxx-xx-x...
TERESA A. TOWNE xxx-xx-x...
MILLARD W. TRIBBLE xxx-xx-x...
ROSE M. VICKERY xxx-xx-x...
VIVIENNE K. VIDUNAS xxx-xx-x...
DEBRA L. WAGNER xxx-xx-x...
REGINA A. WATSON xxx-xx-x...
JANICE A. WHITE xxx-xx-x...
MARY K. WHITTENBURG xxx-xx-x...
HARRIET A. WILMS xxx-xx-x...
VANESSA WISE xxx-xx-x...
CYNTHIA T. WOLF xxx-xx-x...
JUDY A. YOUNG xxx-xx-x...
THERESA M. ZOLNINGER xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

JOHN T. ABBOTT, JR xxx-xx-x...
REBECCA G. ABRAHAM xxx-xx-x...
JORGE ACEVEDO xxx-xx-x...
REMEY J. ACEVEDO xxx-xx-x...
BRUCE H. ACKER xxx-xx-x...
CHARLES E. ACREE xxx-xx-x...
DAVID A. ADAMS xxx-xx-x...
KELLY M. ADAMS xxx-xx-x...
MICHAEL E. ADAMS xxx-xx-x...
WILLIAM K. ADAMS xxx-xx-x...
JAMES Y. ADKINS xxx-xx-x...
TERRY R. ADLER xxx-xx-x...
DAVID D. ADOLF xxx-xx-x...
RICARDO AGUILAR xxx-xx-x...
RAYMOND L. AGURKIS xxx-xx-x...
JOHN J. AHERN xxx-xx-x...
STEVEN W. AHLBIN xxx-xx-x...
FRANK ALBANESE xxx-xx-x...
JAMES V. ALDERMAN xxx-xx-x...
JAMES R. ALDRICH xxx-xx-x...
MARVIN L. ALEXANDER xxx-xx-x...
SCOTT C. ALEXANDER xxx-xx-x...
AZAR S. ALI xxx-xx-x...
EDGAR ALICEATORTIZ xxx-xx-x...
ALETA S. ALLEN xxx-xx-x...
BRIAN L. ALLEN xxx-xx-x...
CHARLES M. ALLEN xxx-xx-xxxx
GEORGE R. ALLEN xxx-xx-x...
KIMBERLY M. ALLEN xxx-xx-x...
STEPHEN F. ALLTOP xxx-xx-x...
PATRICK A. ALMAZAR xxx-xx-x...
ANDREW C. ALPAUGH xxx-xx-x...
MARK A. ALRED xxx-xx-x...
DOUGLAS H. ALSTON xxx-xx-x...
JASON W. ALTCHEK xxx-xx-x...
MATTHEW B. ALTHOUSE xxx-xx-x...
GERARD A. AMATO xxx-xx-x...
GILBERT M. AMEZQUITA xxx-xx-x...
MICHAEL R. AMSPACKER xxx-xx-x...
JOSEPH P. ANATRA xxx-xx-x...
KURT S. ANDERS xxx-xx-x...
NIELS T. ANDERSEN xxx-xx-x...
DENNIS J. ANDERSH xxx-xx-x...
ALAN K. ANDERSON xxx-xx-x...
BRYAN K. ANDERSON xxx-xx-x...
LISA M. ANDERSON xxx-xx-x...
MICHAEL L. ANDERSON xxx-xx-x...
TOD D. ANDERSON xxx-xx-x...
BRENDA L. ANDERSONHICKS xxx-xx-x...
JOSEPH O. ANDREWS xxx-xx-x...
WILLIAM J. ANDREWS xxx-xx-x...
MICHAEL ANGLEY xxx-xx-x...
TODD M. ANSTY xxx-xx-x...
MARK ANTHONY xxx-xx-x...
GLEN A. APGAR xxx-xx-x...
WAYNE A. APPLEWHITE xxx-xx-x...
HAROLD J. ARATA, III xxx-xx-x...
ROBERT A. ARBACH xxx-xx-x...
LINDA K. ARBUCKLE xxx-xx-x...
CHIC A. AREY xxx-xx-x...
THOMAS P. ARIOSTO xxx-xx-x...
THOMAS ARKO xxx-xx-x...
STEVEN E. ARMSTRONG xxx-xx-x...
JONATHAN A. ARNOLD xxx-xx-x...
DAVID P. ARRINGTON xxx-xx-x...
TIMOTHY D. ARRINGTON xxx-xx-x...
THOMAS A. ARTIS xxx-xx-x...
CARLOS V. ARVIZU xxx-xx-x...
MARK C. ASHTON xxx-xx-x...
WOLFGANG C. ASMUS xxx-xx-x...
DAVID R. ATKINSON xxx-xx-x...
MARK A. ATKINSON xxx-xx-x...
STEVEN V. AUCHTER xxx-xx-x...
ROGER P. AUSTIFF xxx-xx-x...
JOHN C. AUTEN xxx-xx-x...
MARIA E. AVELLANEDA xxx-xx-x...
JOHN F. AYMONIN xxx-xx-x...
RICHARD R. AYRES xxx-xx-x...
ALAN E. BABCOCK xxx-xx-x...
GARRY C. BACCUS xxx-xx-x...
DANIEL D. BADGER, JR xxx-xx-x...
FREDERICK L. BAEDKE xxx-xx-x...
LAURELL BAEZ xxx-xx-x...
OCTAVIO NMI BAEZ, JR xxx-xx-x...
STEVEN A. BAGNASCHI xxx-xx-x...
JIMMIE D. BAILEY, II xxx-xx-x...
TRACY A. BAILEY xxx-xx-x...
ROBERT P. BAINE, III xxx-xx-x...
BRADLEY C. BAKER xxx-xx-x...
JEFFREY W. BAKER xxx-xx-x...
JOSEPH R. BAKER xxx-xx-x...
STEVEN F. BAKER xxx-xx-x...
DANIEL B. BAKKE xxx-xx-x...
DAVID L. BAKKE xxx-xx-x...
TODD J. BALAWAJDER xxx-xx-x...
STEVEN A. BALDOCK xxx-xx-x...
JAMES L. BALDWIN xxx-xx-x...
VANESSA L. BALDWIN xxx-xx-x...
DAVID S. BALLARD xxx-xx-x...
CANDACE A. BALLMER xxx-xx-x...
GUILLERMO B. BALMASEDA xxx-xx-x...
MICHAEL S. BALOG xxx-xx-x...
ROBERT W. BANDSTRA xxx-xx-x...
DANIEL C. BANKS xxx-xx-x...
ERIC A. BANKS xxx-xx-x...
MARTIN D. BANNON xxx-xx-x...
CLIFFORD S. BAPTISTA xxx-xx-x...
GREGORY S. BARBER xxx-xx-x...
SHAWN BARBER xxx-xx-x...
JOHN M. BARGER xxx-xx-x...
TRACY D. BARHAM xxx-xx-x...
HARVEY L. BARKER, JR xxx-xx-x...
MARK JOSEPH BARNABO xxx-xx-x...
JOSE BARRERA, JR xxx-xx-x...
BRADLEY G. BARRETT xxx-xx-x...
JOE W. BARTHELL xxx-xx-x...
RICHARD D. BARTHOLOMEW xxx-xx-x...
SAMUEL T. BARTLETT xxx-xx-x...
MICHAEL L. BARTLEY xxx-xx-x...
RICHARD R. BASKIN xxx-xx-x...
DIANNA J. BATCHELOR xxx-xx-x...
JERRY L. BATEMAN, JR xxx-xx-x...
GLENN C. BAUGHER xxx-xx-x...
WILLIAM H. BAUMAN, III xxx-xx-x...
GREGORY M. BAYLEY xxx-xx-x...
MICHAEL P. BAYLOR xxx-xx-x...
MICHAEL O. BEALE xxx-xx-x...
KEITH W. BEAM xxx-xx-x...
EDISON A. BEANE, JR xxx-xx-x...
CHARLES M. BEARD xxx-xx-x...
THOMAS J. BEATTIE xxx-xx-x...
ROBERT D. BECERRA xxx-xx-x...
KARL H. BECKER xxx-xx-x...
ALAN L. BEDSOLE xxx-xx-x...
RANDALL C. BEEM xxx-xx-x...
DENNIS J. BEERS xxx-xx-x...
EDWARD N. BEERY xxx-xx-x...
KENNETH C. BEISSNER xxx-xx-x...
JEFFERY A. BELL xxx-xx-x...
ROBERT F. BELLACICCO xxx-xx-x...
THOMAS L. BELLNOSKI xxx-xx-x...
ROBERT S. BELLOMY xxx-xx-x...
LESLIE O. BELSMA xxx-xx-x...
THOMAS H. BELVIN, JR xxx-xx-x...
GARY C. BENDER xxx-xx-x...
JOSEPH T. BENDER xxx-xx-x...
RALPH K. BENDER xxx-xx-x...
WILLIAM J. BENDER xxx-xx-x...
DALE P. BENEDETTI xxx-xx-x...
JANICE A. BENHAM xxx-xx-x...
CLINTON S. BENNETT xxx-xx-x...
GORDON R. BENNETT xxx-xx-x...
JAMES M. BENNETT xxx-xx-x...
KENNETH L. BENNETT xxx-xx-x...
MARK A. BENSON xxx-xx-x...
MICHAEL P. BENSON xxx-xx-x...
GEORGE W. BENTON xxx-xx-x...
EDWARD J. BERGEMANN xxx-xx-x...
DANIEL E. BERGERON xxx-xx-x...
WILLIAM J. BERNARD xxx-xx-x...
LOUIS A. BERRENA xxx-xx-x...
JOHN A. BERRY xxx-xx-x...
MICHAEL J. BERRY xxx-xx-x...
ALAN T. BERRYMAN xxx-xx-x...
GLENN M. BEST xxx-xx-x...
BRUCE R. BEVILLE xxx-xx-x...
LARRY W. BEWARD xxx-xx-x...
VICKI P. BEYER xxx-xx-x...
HAROLD W. BIDLACK xxx-xx-x...
THOMAS W. BILLICK xxx-xx-x...
DENNIS C. BILLIG xxx-xx-x...
GREGORY M. BILLMAN xxx-xx-x...
CARL R. BINFORD xxx-xx-x...
ROBERT G. BINFORD, III xxx-xx-x...
PHILLIP E. BINGMAN xxx-xx-x...
CHRISTOPHER P. BISGROVE xxx-xx-x...
BRIAN T. BISHOP xxx-xx-x...
JONATHAN E. BITLER xxx-xx-x...
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ROBERT M. WATKINS xxx-xx-x...
JULIE A. WATSON xxx-xx-x...
ROBERT D. WATSON xxx-xx-x...
ROBERT M. WATSON, JR xxx-xx-x...
DAVID D. WATT xxx-xx-x...
JOHN Q. WATTON xxx-xx-x...
DEBRA J. WATTS xxx-xx-x...
JON A. WATTS xxx-xx-x...
LOREN K. WATTS xxx-xx-x...
BRYAN L. WAUGH xxx-xx-...
DYKE D. WEATHERINGTON xxx-xx-x...
JOHN N. WEAVER xxx-xx-x...
MICHAEL E. WEAVER xxx-xx-x...
GARY C. WEBB xxx-xx-x...
CURT A. WEBER xxx-xx-x...
TIMOTHY S. WEBER xxx-xx-x...
DAVID L. WEBSTER xxx-xx-x...
JOSEPH L. WEGNER xxx-xx-x...
JOHN D. WEIDERT xxx-xx-x...
ROBERT F. WEILAND, JR xxx-xx-x...
STEPHEN P. WEILER xxx-xx-x...
JACK WEINSTEIN xxx-xx-x...
FREDRIC J. WEISHOFF, II xxx-xx-x...
WENDELL R. WELCH xxx-xx-x...
KERRY M. WELKER xxx-xx-x...
GUY W. WELLS xxx-xx-x...
MARK N. WELNETZ xxx-xx-x...
JAMES G. WELTON xxx-xx-x...
STEPHEN J. WERNER xxx-xx-x...
JAMES E. WEST xxx-xx-x...
KATHERINE D. WEST xxx-xx-x...
RICHARD C. WESTERFIELD xxx-xx-x...
JEFFERY L. WESTERN xxx-xx-x...
RICHARD T. WESTLAND xxx-xx-x...
MONTY H. WESTMEYER xxx-xx-x...
ANDREW C. WESTON xxx-xx-x...
MARK F. WETZEL xxx-xx-x...
RUSSELL MARK WETZEL xxx-xx-x...
JOSEPH F. WHALEY, III xxx-xx-x...
CURT L. WHEELER xxx-xx-x...
JOEL D. WHEELER xxx-xx-x...
RICHARD J. WHEELER xxx-xx-x...
THOMAS J. WHELIHAN xxx-xx-x...
MARY JANE WHITAKER xxx-xx-x...
ROBERT K. WHITAKER xxx-xx-x...
CHARLES G. WHITE xxx-xx-x...
JERRY D. WHITLEY xxx-xx-x...
KEVIN L. WHITMAN xxx-xx-x...
MARCELLUS J. WHITT, JR xxx-xx-x...
RICHARD H. WHITTEN xxx-xx-x...
ROBIN N. WHYBROW xxx-xx-x...
JON W. WICKLUND xxx-xx-x...
GARY M. WILBAS xxx-xx-x...
ERIC J. WILBUR xxx-xx-x...
TERRY E. WILLETT xxx-xx-x...
ROBERT J. WILLHITE xxx-xx-x...
EVAN ROY WILLIAMS xxx-xx-x...
GARY L. WILLIAMS xxx-xx-x...
JAMES D. WILLIAMS xxx-xx-x...
JOHN E. WILLIAMS xxx-xx-x...
MARIANNE T. WILLIAMS xxx-xx-x...

RICHARD D. WILLIAMS xxx-xx-x...
ROBIN P. WILLIAMS xxx-xx-x...
TERRY W. WILLIAMSON xxx-xx-x...
DAVID J. WILMOT xxx-xx-x...
BRET T. WILSON xxx-xx-x...
CRAIG W. WILSON xxx-xx-x...
JAMES R. WILSON xxx-xx-x...
LAWRENCE E. WILSON, JR. xxx-xx-x...
ROBERT G. WILSON xxx-xx-x...
THOMAS G. WILSON xxx-xx-x...
ROBERT A. WIND xxx-xx-x...
KAY J. WINSLOW xxx-xx-x...
MICHAEL P. WINSLOW xxx-xx-x...
DONALD L. WIRTH xxx-xx-x...
RICHARD L. WOJICK, JR. xxx-xx-x...
EDWIN L. WOLFE xxx-xx-x...
BYRON L. WOLTER xxx-xx-x...
TOD D. WOLTERS xxx-xx-x...
DOUGLAS W. WOOD xxx-xx-x...
LARRY M. WOOD xxx-xx-x...
THEODORE A. WOOD xxx-xx-x...
JOHN R. WOODCOCK xxx-xx-x...
ELDON A. WOODIE xxx-xx-x...
JONATHAN B. WOODS xxx-xx-x...
THOMAS E. WOOLPERT xxx-xx-x...
JEFFREY S. WOOLSTON xxx-xx-x...
JOHN T. WOOSLEY xxx-xx-x...
JACK L. WOOSTER xxx-xx-x...
WILLIAM N. WOOTTON xxx-xx-x...
EDWARD G. WORLEY xxx-xx-x...
JOSEPH WOTTON xxx-xx-x...
CELEO WRIGHT xxx-xx-x...
ROBERT F. WRIGHT, JR. xxx-xx-x...
DONALD E. WUSSLER, JR. xxx-xx-x...
PETER R. WYMAN xxx-xx-x...
CHARLES E. WYNNE xxx-xx-x...
JOSEPH L. WYPYCH xxx-xx-x...
MARK D. YAKABE xxx-xx-x...
GARY E. YALE xxx-xx-x...
DENNIS W. YAMROSE, JR. xxx-xx-x...
ANN K. YEOMAN xxx-xx-x...
MARK M. YODER xxx-xx-x...
THOMAS L. YODER xxx-xx-x...
HERBERT L. YOUNG xxx-xx-x...
JOHN D. YOUNG xxx-xx-x...
PHILIP N. YOUNG xxx-xx-x...
STEPHEN M. YOUNG xxx-xx-x...
TIMOTHY G. YOUNG xxx-xx-x...
WILLIAM J. YOUNG xxx-xx-x...
DOUGLAS B. YOUNGBLOOD xxx-xx-x...
RONALD L. YOUNGBLOOD xxx-xx-x...
DAVID W. YUNDT xxx-xx-x...
LYNN M. ZABKAR xxx-xx-x...
JIMMY D. ZACHRY xxx-xx-x...
FELIX A. ZAMBETTI, III xxx-xx-...
CLIFFORD A. ZAPF xxx-xx-x...
JOSEPH P. ZEBROWSKI xxx-xx-x...
DARRELL P. ZELKO xxx-xx-x...
RICHARD E. ZIEBARTH xxx-xx-x...
DAVID W. ZIEGLER xxx-xx-x...
MICHAEL W. ZIMMERMAN xxx-xx-x...
DAVID A. ZIOMEK xxx-xx-x...
ROBERT J. ZYRIEK, II xxx-xx-x...

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be major

HOWARD L. ASHFORD xxx-xx-x...
THOMAS L. BLASE xxx-xx-x...
KEVIN R. BOLL xxx-xx-x...
LEVI E. BRASWELL xxx-xx-x...
WILFRED R. BRISTOL xxx-xx-x...
WALTER E. COCHRAN xxx-xx-x...
EDMUND G. CROWLEY xxx-xx-x...
JUAN M. DIPHE xxx-xx-x...
MICHAEL W. DUNCAN xxx-xx-x...
TERESE A. ERICKSON xxx-xx-x...
DANIEL L. FIGUEROA xxx-xx-x...
PHILIP J. FISHER xxx-xx-x...
JEFFERY S. GALLEY xxx-xx-x...
SCOTT R. GARDNER xxx-xx-...
STEVEN J. GRAU xxx-xx-x...
JOSEPH P. HENNESSY xxx-xx-x...
PATRICK A. HERRING xxx-xx-x...
STEVEN E. KEITH xxx-xx-x...
DENNIS K. KITTERMAN xxx-xx-...
DAVID R. MAACK xxx-xx-xxxx
JOSEPH H. MCGUGAN xxx-xx-x...
LAWRENCE J. MCGUIN xxx-xx-x...
STEVEN J. MERRILL xxx-xx-x...
DAVID L. MORROW xxx-xx-x...
JEFFREY L. NEUBERGER xxx-xx-x...
GREGORY W. NOWEL xxx-xx-x...
BOBBY V. PAGE xxx-xx-x...
LEON D. PAGE, SR. xxx-xx-x...
GARY R. PERRY xxx-xx-x...
THOMAS A. PFAFF xxx-xx-x...
ALAN J. PINEAULT xxx-xx-x...
HERRIE L. REED, JR. xxx-xx-x...
ALVIE E. ROBBINS xxx-xx-x...
EUGENE H. SCHNIPKE xxx-xx-x...
HOWARD D. STENDAHL xxx-xx-x...
CHARLIE R. STUTTS xxx-xx-x...
CARL J. SWANSON xxx-xx-x...
NELSON T. TOLEDO xxx-xx-...
CLYDE E. VANWORTH xxx-xx-x...
JOHNNIE D. WARD xxx-xx-x...

JUDGE ADVOCATE

To be major

KEITH R. ALICH xxx-xx-x...
BRUCE S. AMBROSE xxx-xx-x...
DOUGLAS S. ANDERSON xxx-xx-x...
PAUL M. BARZLER xxx-xx-x...
BARBARA G. BRAND xxx-xx-x...
RANDALL J. BUNN xxx-xx-x...
MICHAEL D. BURT xxx-xx-x...
MARSHALL L. CAGGIANO xxx-xx-x...
LEONARD M. COHEN xxx-xx-x...
DAVID C. CORY xxx-xx-x...
WILLIAM T. CUMBIE xxx-xx-x...
JOGINDER S. DHILLON xxx-xx-x...
SCOTT A. DOLD xxx-xx-x...
CHRIS L. FARRIS xxx-xx-x...
JAMES L. FLANARY xxx-xx-x...
ORMOND R. FODREA xxx-xx-x...
KEVIN M. FORBUSH xxx-xx-x...
JEFFREY S. GARDNER xxx-xx-x...
ALBERT N. GUARINO xxx-xx-x...
BRUCE A. HADDENHORST xxx-xx-x...
GORDON R. HAMMOCK xxx-xx-x...
JAMES T. HEDGEPETH xxx-xx-x...
PETER G. HERMAN xxx-xx-x...
WILLIAM J. HOLMES xxx-xx-x...
DONALD P. HOLTZ xxx-xx-x...
STEPHEN R. IRWIN xxx-xx-x...
NORMAN JACOBSON, JR. xxx-xx-x...
JASON F. KAAR xxx-xx-x...
ALBERT W. KLEIN, JR. xxx-xx-x...
VICKIA K. LEONARD xxx-xx-x...
FELIX A. LOSCO xxx-xx-x...
BARNARD N. MADSEN xxx-xx-x...
CHRISTOPHER A. MATHEWS xxx-xx-x...
MICHAEL W. MEADOWS xxx-xx-x...
TAMARA L. MILLER xxx-xx-x...
THOMAS W. MURREY, JR. xxx-xx-x...
STEVEN R. PARRISH xxx-xx-x...
CRAIG T. PAULSON xxx-xx-x...
WILLIAM W. PISCHNOTTE xxx-xx-x...
REGINA E. QUINN xxx-xx-x...
TARIK M. RADWAN xxx-xx-x...
EDWARD N. RAMRAS xxx-xx-x...
RONALD M. REED xxx-xx-x...
ROBERT M. REIST xxx-xx-x...
MICHAEL A. RODGERS xxx-xx-x...
RONALD A. RODGERS xxx-xx-x...
JOSEPH A. ROSA xxx-xx-x...
JULES D. SILBERBERG xxx-xx-x...
BRUCE T. SMITH xxx-xx-x...
JOHN M. SMITH xxx-xx-xxxx
DALE L. SONNENBERG xxx-xx-x...
NORMAN K. THOMPSON xxx-xx-x...
DENISE A. UNDERWOOD xxx-xx-x...
CYNTHIA L. WALDRON xxx-xx-x...
JEFFREY W. WATSON xxx-xx-x...
RONALD J. WILLIAMS xxx-xx-x...
CHARLES W. WILLIAMSON, III xxx-xx-x...
SCOTT R. WILLIAMSON xxx-xx-x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be major

ANGEL L. ACEVEDO xxx-xx-x...
JOSE M. *. ACEVEDO xxx-xx-x...
MARK A. ACKER xxx-xx-x...
MICHAEL S. *. ADAMS xxx-xx-x...
LYNN W. *. ADAMSON xxx-xx-x...
JAMES E. *. ADDAS xxx-xx-x...
THOMAS F. *. ADKINS xxx-xx-x...
RICHARD L. ADKISON xxx-xx-x...
CHARLES J. AFRICANO xxx-xx-x...
ROBIN B. AKIN xxx-xx-x...
RICHARD C. AKRIDGE xxx-xx-x...
RAFAEL A. ALCOVER xxx-xx-x...
BLAIR E. ALEXANDER xxx-xx-x...
DAVID R. ALEXANDER xxx-xx-x...
GILBERT F. *. ALFARO xxx-xx-x...
CLYDEA M. *. ALLAIRE xxx-xx-x...
CYRIL R. *. ALLEN xxx-xx-x...
RUSSELL G. *. ALLEN xxx-xx-x...
CAMPBELL D. ALLISON xxx-xx-x...
JAMES A. ALLSBROOK xxx-xx-x...
BRADLEY L. ALVADJ xxx-xx-x...
KENNETH E. ANDERSON xxx-xx-x...
PAUL T. *. ANDERSON xxx-xx-x...
STEVEN P. APLAND xxx-xx-x...
MANUEL APONTE, JR. xxx-xx-x...
WAYNE *. ARCHAMBAULT xxx-xx-x...
WAYNE S. *. ASHCROFT xxx-xx-x...
LOWELL T. *. ASHER xxx-xx-x...
ERIC L. ASHWORTH xxx-xx-x...
PETER W. AUBREY xxx-xx-x...
DAVID A. AUSTIN xxx-xx-x...
STEVEN M. AVILES xxx-xx-x...
ALICE A. BABINE xxx-xx-x...
MARGARET L. BACA xxx-xx-x...
KEVIN M. BADGER xxx-xx-x...
WILLIAM E. *. BADGER xxx-xx-x...
JAMES B. BAGBY xxx-xx-x...
THOMAS E. *. BAILEY xxx-xx-x...
DANIEL P. BAILIE xxx-xx-x...
MALCOLM G. BAILLIE xxx-xx-x...
MARK D. *. BAINES xxx-xx-x...
JOHN C. BAKER xxx-xx-x...
PETER R. BAKER xxx-xx-x...
RALPH O. BAKER xxx-xx-x...
JAMES B. *. BALDWIN xxx-xx-x...
THOMAS A. BALISH xxx-xx-x...
DENNIS A. *. BALITSKI xxx-xx-x...
ARTHUR T. BALL xxx-xx-x...
ROBERT D. *. BALL xxx-xx-x...
STEFAN J. BANACH xxx-xx-x...
DOMINIC R. BARAGONA xxx-xx-x...
BRIAN V. *. BARBER xxx-xx-x...
WAYLAND P. BARBER xxx-xx-x...
MICHAEL P. BARBERO xxx-xx-x...
MARK J. *. BARBOSA xxx-xx-x...
WALTER S. BARGE xxx-xx-x...
GREGG A. BARISANO xxx-xx-x...
GRIFFIN J. *. BARKIE xxx-xx-x...
ROBERT J. BARNHILL xxx-xx-x...
DALE R. *. BARON xxx-xx-x...
RONALD J. *. BARRON xxx-xx-x...
ROGER J. BARROS xxx-xx-x...
THOMAS H. BARTH xxx-xx-x...
DAVID L. *. BARTLETT xxx-xx-x...
RAYMOND M. *. BATEMAN xxx-xx-x...
JAMES C. BATES xxx-xx-x...
ALLEN W. BATSCHELET xxx-xx-x...
TERENCE K. BATTLE xxx-xx-x...
RONALD L. *. BEACH xxx-xx-x...
STEPHEN M. BEATTY xxx-xx-x...
JOHN F. BECK xxx-xx-x...
JEFFREY A. BEDEY xxx-xx-x...
JAMES BEDINGFIELD xxx-xx-x...
EDWARD C. BEEKER xxx-xx-x...
RENE D. BELANGER xxx-xx-x...
MICHAEL E. *. BELCHER xxx-xx-x...
CARTER L. BELL xxx-xx-x...
HUGH M. BELL xxx-xx-x...
ROBERT T. *. BELL xxx-xx-x...
DAVID B. BELLOWS xxx-xx-x...
RODERICK A. *. BELLOWS xxx-xx-x...
WILLIAM P. BELUE xxx-xx-x...
ROBERT A. *. BENDER xxx-xx-x...
REX W. *. BENEDICT xxx-xx-x...
JEFFERY A. *. BENTON xxx-xx-x...
DANIEL P. *. BERNHARDT xxx-xx-x...
KURT M. *. BERRY xxx-xx-x...
THOMAS M. BESCH xxx-xx-x...
DAVID P. *. BESHLIN xxx-xx-x...
MARK H. BESORE xxx-xx-x...
BRENDA K. BESS xxx-xx-x...
JEFFERY S. BESS xxx-xx-x...
ROBERT L. BETHEA xxx-xx-x...
JOHN B. BEUSSE xxx-xx-x...
TERRY W. BEYNON xxx-xx-x...
MARIA T. BEZUBIC xxx-xx-x...
MARK A. BIEHLER xxx-xx-x...
MACK W. *. BILBREW xxx-xx-x...
GREGORY J. BILHARTZ xxx-xx-x...
ROBERT E. BILLER xxx-xx-x...
ROGER S. BILLINGS xxx-xx-x...
ROBERT BILLINGTON xxx-xx-x...
MICHAEL J. BITTRICK xxx-xx-x...
THOMAS G. BLACKWELL xxx-xx-x...
HARLAN H. BLAKE xxx-xx-x...
JAMES H. *. BLALOCK xxx-xx-x...
WILLIAM *. BLANCHARD xxx-xx-x...
JOSEPH M. BLANCO xxx-xx-x...
RANAY M. BLANFORD xxx-xx-x...
KENNETH S. BLANKS xxx-xx-x...
CHARLES W. *. BLASER xxx-xx-x...
DONALD K. BLEDSON xxx-xx-x...
DONALD J. BLODGETT xxx-xx-x...
RICHARD E. BLOSS xxx-xx-x...
PAMELA A. *. BODAGER xxx-xx-x...
ARIE D. BOGAARD xxx-xx-x...
PETER V. BOISSON xxx-xx-x...
BEDE A. *. BOLIN xxx-xx-x...
CRAIG L. BOLLENBERG xxx-xx-x...
DAVID F. *. BOSCHELLI xxx-xx-x...
DAVID V. BOSLEGO xxx-xx-x...
STEPHEN T. BOSTON xxx-xx-x...
GUY W. *. BOTT xxx-xx-x...
DONALD H. BOWDLER xxx-xx-x...
THOMAS T. BOWE xxx-xx-x...
THOMAS S. BOWEN xxx-xx-x...
ISADORE *. BOWERS, JR. xxx-xx-x...
MAX A. BOWERS xxx-xx-x...
CLAYTON B. BOWMAN xxx-xx-x...
THERON BOWMAN xxx-xx-x...
MICHAEL A. BOYAJIAN xxx-xx-x...
RICKY R. *. BOYER xxx-xx-x...
BRIAN T. BOYLE xxx-xx-x...
SHAWN C. *. BOYLE xxx-xx-x...
TIMOTHY A. BOYLES xxx-xx-x...
ROBERT J. BRACKETT xxx-xx-x...
DAVID C. *. BRADLEY xxx-xx-x...
JERRY L. *. BRADSHAW xxx-xx-x...
WILLIAM H. *. BRADY xxx-xx-x...
MATTHEW L. BRAND xxx-xx-x...
JOHNNY W. *. BRAY xxx-xx-x...

HERBERT BRAYBOY, II xxx-xx-x...
DONNA M. BRAZIL xxx-xx-x...
WILLIAM *. BREFFELL xxx-xx-x...
LESLIE M. BREHM xxx-xx-x...
NORMAN R. BREHM xxx-xx-x...
EDDIE A. *. BRENHAM xxx-xx-x...
CHRISTOPHE BRESLEY xxx-xx-x...
BARRY W. BREWER xxx-xx-x...
JON K. *. BRIDGES xxx-xx-x...
KELVIN L. BRIGHT xxx-xx-x...
JAMES R. *. BRILEY xxx-xx-x...
JAMES S. BRISTOW xxx-xx-x...
GREGORY A. BROCKMAN xxx-xx-x...
CHARLES M. *. BROCKWAY xxx-xx-x...
JOHN P. BRONAUGH xxx-xx-x...
MICHAEL S. *. BROOKS xxx-xx-x...
SCOTT L. BROTHERS xxx-xx-x...
CORNELIUS BROWN, JR xxx-xx-x...
GARY B. BROWN xxx-xx-x...
JOSEPH D. BROWN xxx-xx-x...
MITCHELL R. BROWN xxx-xx-x...
ROBERT W. *. BROWN xxx-xx-x...
GARY D. *. BROWNING xxx-xx-x...
JEFFREY W. BROWNING xxx-xx-x...
WANDA K. BRUCE xxx-xx-x...
TYRONE J. *. BRUMFIELD xxx-xx-x...
JOHN R. BRUNDIGE xxx-xx-x...
TORKILD P. BRUNSO xxx-xx-x...
WILLIAM R. *. BRYAN xxx-xx-x...
THOMAS A. BRYANT xxx-xx-x...
THOMAS E. BRYANT xxx-xx-x...
TRACY G. BRYANT xxx-xx-x...
ROBERT S. BRYCE xxx-xx-x...
DREW A. BRYNER xxx-xx-x...
JAMES E. BUCHWALD xxx-xx-x...
JOHN C. BUCKLEY xxx-xx-x...
BILLY J. BUCKNER xxx-xx-x...
DAVID A. *. BUELL xxx-xx-x...
RICHARD C. BULLIS xxx-xx-x...
TONY B. *. BULLOCK xxx-xx-x...
DANIEL C. BUNING xxx-xx-x...
LINDA J. *. BUPP xxx-xx-x...
DOROTHEA M. BURKE xxx-xx-x...
TIMOTHY J. *. BURKE xxx-xx-x...
TIMOTHY J. BURKE xxx-xx-x...
DENNIS S. *. BURKET xxx-xx-x...
BRIAN J. BURNS xxx-xx-x...
RICHARD B. BURNS xxx-xx-x...
RONALD R. *. BURNS xxx-xx-x...
ANDREW S. BURRIS xxx-xx-x...
RICHARD J. BURTNETT xxx-xx-x...
JAMES K. BURTON xxx-xx-x...
CHARLES C. BUSH xxx-xx-x...
JAMES E. BUSH xxx-xx-x...
MARTIN BUSHEY xxx-xx-x...
FRANCIS O. BUTLER xxx-xx-x...
DOUGLAS P. *. BUTTLER xxx-xx-x...
CAROL L. *. BUTTS xxx-xx-x...
HENRY F. BYRNSIDE xxx-xx-x...
FELIX M. CABALLERO xxx-xx-x...
PAUL T. CALBOS xxx-xx-x...
BRADLEY R. *. CAMP xxx-xx-x...
FRANCIS X. CAMPBELL xxx-xx-x...
JAMES A. CAMPBELL xxx-xx-x...
RICHARD R. *. CAMPBELL xxx-xx-x...
SCOTT A. CAMPBELL xxx-xx-x...
PATRICK H. CARAWAY xxx-xx-x...
ROGER E. *. CAREY xxx-xx-x...
PATRICK J. CARLIN xxx-xx-x...
BRUCE W. *. CARLTON xxx-xx-x...
MIGUEL A. *. CARO xxx-xx-x...
DAMIAN P. CARR xxx-xx-x...
CAROLYN A. *. CARROLL xxx-xx-x...
DAVID K. *. CARROLL xxx-xx-x...
MAXWELL G. CARROLL xxx-xx-x...
MICHAEL J. CARROLL xxx-xx-x...
CALVIN CARTER xxx-xx-x...
DAVID L. *. CARTER xxx-xx-x...
MICHAEL L. *. CARTER xxx-xx-x...
RANDOLPH B. CASH xxx-xx-x...
VICTOR J. CASTRILLO xxx-xx-x...
GENE A. CATENA xxx-xx-x...
JACKIE W. *. CATES xxx-xx-x...
SANDRA C. *. CAUGHLIN xxx-xx-x...
CHELSEA Y. CHAE xxx-xx-x...
LUCIND *. CHAMBERLAIN xxx-xx-x...
ROBERT W. *. CHAMBERS xxx-xx-x...
JOHN G. CHAMBLISS xxx-xx-x...
CHARLES R. CHAPMAN xxx-xx-x...
JAMES E. CHAPMAN xxx-xx-x...
SHERMAN L. *. CHARLES xxx-xx-x...
CHARLES A. CHASE xxx-xx-x...
GREGORY T. *. CHASTEEN xxx-xx-x...
WILLI CHEESBOROUGH xxx-xx-x...
JOHN E. CHERE xxx-xx-x...
ROBERT T. CHESHIRE xxx-xx-x...
WALTER R. CHESHIRE xxx-xx-x...
MICHAEL S. *. CHESNEY xxx-xx-x...
STEVEN L. *. CHETTY xxx-xx-x...
DALE M. CHIK xxx-xx-x...
DIANNA B. CHILDRESS xxx-xx-x...
FRANKLIN CHILDRESS xxx-xx-x...
MARK E. CHILDRESS xxx-xx-x...
STEPHE CHIMINIELLO xxx-xx-x...
RUSSELL W. CHISHOLM xxx-xx-x...
GREGG CHISLETT xxx-xx-x...
JOHN M. CHIU xxx-xx-x...
CLEMENT B. CHOLEN xxx-xx-x...
JOHN V. CHRISTIAN xxx-xx-x...
STEVEN M. CHRISTY xxx-xx-x...
RUSSELL J. CHUN xxx-xx-x...
SCOTT G. CILUFFO xxx-xx-x...

DAVID J. CLARK xxx-xx-x...
DAVID L. *. CLARK xxx-xx-x...
J. E. CLARK, JR xxx-xx-x...
KENNETH H. CLARK xxx-xx-x...
SAMMY *. CLARK, JR xxx-xx-x...
THOMAS J. CLEARY xxx-xx-x...
LAWRENCE E. CLINE xxx-xx-x...
TERRENCE K. *. CLOONAN xxx-xx-x...
JAMES C. *. CLOSE xxx-xx-x...
MICHAEL C. CLOY xxx-xx-x...
RUSSELL C. CLOY xxx-xx-x...
GEOFFREY N. CLYMER xxx-xx-x...
PETER E. CLYMER xxx-xx-x...
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EXTENSIONS OF REMARKS

REPORT OF THE INTER-AMERICAN DIALOG

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. HAMILTON. Mr. Speaker, I would like to call to the attention of Members the policy recommendations contained in the recently published report of the Inter-American Dialog. The Inter-American Dialog is a unique discussion group comprised of prominent former officials, executives, and scholars from all parts of the Western Hemisphere. Dialog members gather every 18 months for intensive discussions of current policy issues. Their objective is to develop consensus views on key hemispheric problems and challenges. The Dialog's policy recommendations have been consistently original and compelling, and the latest report is no exception. These summary recommendations offer wise guidance for U.S. policy, and they deserve careful consideration by American policymakers.

The text of the summary of recommendations follow:

SUMMARY OF RECOMMENDATIONS

Our report explores the three main challenges facing the hemisphere in the 1990s—how to build regional economic partnerships to enhance global competitiveness; how to protect and advance the democratic gains of the past decade; and how to promote social and economic justice. We set forth a common policy agenda for the nations of the Americas, and offer concrete recommendations that can transform that agenda into joint and effective action—and create the foundations of a genuine Western Hemisphere Community of Democracies.

CHAPTER I—WESTERN HEMISPHERE ECONOMIC INTEGRATION

With the first building blocks being put in place, the nations of the Western Hemisphere will have the opportunity in the coming years to forge an economic community that will span the Americas and, within a generation, could incorporate nearly one billion persons. An economically integrated hemisphere would enable every nation to become more productive and compete more effectively in the global economy.

We propose a six-point program for grasping this opportunity—a program of economic integration that is hemispheric in scope, comprehensive in coverage, and grounded in social justice and democratic practice.

1. The United States, Mexico, and Canada should proceed to ratify the North American Free Trade Agreement (NAFTA), making sure it or parallel accords give appropriate attention to the environment and to workers' rights. The rejection of the NAFTA at this stage would gut the core of future hemisphere-wide trade arrangements.

2. Latin American and Caribbean governments should intensify their efforts to forge viable sub-regional trade pacts while sustaining their internal processes of economic reform and trade liberalization. These are essential steps toward hemispheric economic integration.

3. The NAFTA partners should begin consultations with other hemispheric governments to establish criteria, procedures, and timetables for building NAFTA into a Western Hemisphere free trade pact. The NAFTA commission proposed in the agreement's text could undertake such consultations on behalf of the three governments. In addition to basic economic conditions, requirements for entry to an expanded NAFTA should include a commitment to democratic governance; authoritarian governments should be excluded.

4. Negotiations should begin promptly to incorporate into NAFTA those countries that can meet the entry requirements. Chile is the likely first candidate, given its economic performance, its existing free trade accord with Mexico, and the U.S. pledge to put it next in line.

5. The United States, Mexico, and Canada should work with the countries of Central America and the Caribbean to pave the way for their participation in free trade talks. NAFTA is likely to impose some immediate losses on these countries, and the sooner they can achieve the benefits of broader integration the better.

6. The governments of the Americas should establish a new multilateral organization to guide and coordinate progress toward a Western Hemisphere Economic Community. The existing regional economic organizations—the Inter-American Development Bank (IDB), Organization of American States (OAS), and United Nations Economic Commission for Latin America and the Caribbean (ECLAC)—should play prominent roles in the new coordinated body, along with private business, trade unions, and other non-governmental organizations.

CHAPTER II—THE COLLECTIVE DEFENSE OF DEMOCRACY

There is movement today, still tentative but clear and growing, toward the formation of a democratic political community in the Western Hemisphere. Nearly every nation of the Americas is now governed by elected, civilian leadership. A democratic network of participatory institutions has emerged, involving political parties, human rights groups, trade unions, professional and business associations, the media, women's organizations, and environmental groups. And the nations of the hemisphere have collectively pledged to promote democracy and to act jointly to defend it where it is threatened or violated. Democracy in each country of the Americas has become the concern of all countries.

To sustain and deepen this progress toward democratic community, two fundamental challenges must be confronted. First, democratic institutions throughout the Americas—public and private—must be made more effective, responsive, and participatory. Second, the nations of the hemisphere must fortify their resolve and capacity to respond to violations of constitutional order.

We propose a nine-point strategy for the inter-American community to meet these challenges.

1. The nations of the hemisphere must actively promote negotiated settlements of Latin America's remaining guerrilla conflicts to end the violence and counterviolence that undermine the institutions and values of democracy. They must also work to stop human rights abuses by vigorously pursuing the findings and recommendations of official and credible non-governmental human rights organizations.

2. Hemispheric governments should together take a fresh look at the missions, size, weapons, and costs of their armed forces—with the objective of establishing firm civilian control over the military. Civilians should be trained to manage security policy and international agencies should be encouraged to monitor military spending.

3. The inter-American community should bolster the basic institutions of democracy in every country. Whenever national elections are endangered by fraud or violence, governments should be pressed to accept international monitors. Non-partisan assistance should be made available to strengthen legislatures and judicial systems, and aid provided to non-governmental organizations.

4. Sustained efforts must be undertaken by every country, individually and jointly, to reduce sharp inequalities and pervasive poverty that exacerbate other threats to democratic rule.

5. The inter-American community must respond rapidly to breakdowns of democratic rule—as called for in the Santiago resolutions of the OAS. All nations of the hemisphere must forcefully condemn the illegal usurption of power and work collectively to repair the democratic process.

6. The capacity of the OAS to play a leadership role in situations of democratic breakdown must be strengthened. The OAS's new Unit for Democracy needs to be enlarged and better financed. The Unit should cooperate closely with the Inter-American Commission on Human Rights and many other relevant organizations—public and private, multilateral and national, regional and subregional.

7. The inter-American community should not try to impose a predetermined solution following a democratic breakdown. In some cases, decisive action might well quickly reverse an illegal takeover of power. But if a rapid turnaround appears unlikely, inter-American efforts should foster negotiations among contending national forces to restore constitutional rule. In situations where the internal order is threatened or where repression is rampant, the OAS should press the authorities to allow a significant civilian mission to establish itself in the country to assist in rebuilding democratic politics.

8. When an illegally constituted government refuses to engage in negotiations to restore democratic order and rejects a civilian mission, the inter-American community should consider applying stronger sanctions. But there should be no automaticity regarding the selection, sequencing, or escalation of sanctions. They must be orchestrated on a case-by-case basis, directed to achieving specific political aims, and supported by a consensus of OAS members.

9. The priority aim of collective hemispheric action must be to restore the demo-

cratic process as quickly as possible. However distasteful, they may require a compromise solution that accommodates some of the demands of those who illegally took power.

CHAPTER III—THE PROBLEMS OF POVERTY AND INEQUALITY

The struggle against social and economic inequity is the most difficult challenge facing the Americans today. Progress toward consolidating democratic politics, resuming economic growth, and building an economically integrated hemisphere is jeopardized by mass poverty and profound income disparities. Democracy must be anchored in social justice if it is to endure. A vibrant economy requires the productive employment of all sectors of the population.

A genuine Western Hemisphere community can only be built on a foundation of strong national communities in which all citizens participate in political life and enjoy the benefits of economic progress. The challenge for the Americans is to forge a future that is shared by all Americans.

We propose seven measures to meet that challenge.

1. The countries of the Americas should give as much priority to alleviating poverty and reducing inequality as they do to promoting growth. These goals go hand-in-hand.

2. All governments must sustain sound, growth-oriented macroeconomic policies. Government spending must be kept in line with tax revenues and inflation must be controlled. Anti-poverty initiatives are invariably undermined by high inflation and low growth, which reduce wages, destroy jobs, and force cuts in social spending.

3. Anti-poverty strategies should emphasize efforts to raise the productivity of the poor, particularly women. What are required are stepped-up investments in health and education and other programs that enhance the skills and increase the capital assets of low-income groups. Such investments in human capital permanently lift individuals and families out of poverty, reduce inequalities of income and opportunity, and contribute to national growth.

4. Income transfer programs should be targeted to the neediest and most vulnerable population groups. Such targeting can increase the assistance provided to the very poor, while reducing the cost of such programs to governments.

5. Governments must improve the quality of programs that serve the poor. Local governments, community groups, and business and professional associations should be intensively involved in the planning and management of social services. Every effort should be made to exploit opportunities for collaboration between public and private sectors.

6. Programs to reduce poverty and inequality must be consistent with macroeconomic stability and therefore should be financed through some combination of increased taxes, the reallocation of existing expenditures, and external aid. Opening new opportunities for the poor, above all, requires that the better-off pay their taxes.

7. External organizations should put their financial, intellectual, and political muscle behind national anti-poverty programs. The World Bank and the IDB should commit at least one-third of their Latin American lending to poverty reduction. These institutions, along with smaller development and nongovernmental organizations, must consistently focus priority attention on poverty and inequality—not only by spending money or imposing conditions on loans, but also through programs of research and publication, speeches by their officials, and persistent private communications to world political and economic leaders. International agencies should cooperate in building a data collection and analysis system to report on the progress made by every nation in reducing poverty and inequality.

We believe the nations of the Americas have an unparalleled opportunity together to shape their common future. It will take many years, but an important start has been made toward building political and economic community in the hemisphere. Progress now must be sustained and deepened—for the benefit of all Americans.

ECONOMIC DEVELOPMENT ADMINISTRATION SUNSET ACT OF 1993

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. HEFLEY. Mr. Speaker, as part of a continuing effort to reduce the size and complexity of government, today I am reintroducing legislation to abolish the Economic Development Administration.

During the most recent campaign, President-elect Bill Clinton promised to increase government investment in America. He claimed that the United States was falling behind our global competitors and that a new, public-private partnership was needed to restore our economic dominance.

The idea of a public-private partnership is nothing new. Ever since the New Deal, the Federal Government has attempted to use public funds to stimulate private investment and growth. One such program is the Economic Development Administration.

Selected by the Carter administration to lead its urban renewal program, the EDA was offered to the public as a vehicle for targeting investment and leveraging public moneys to attract private funds; a public-private partnership to stimulate the economic development of distressed areas.

Instead of symbolizing the new partnership between public and private interests, the EDA has come to represent Government waste and inefficiency with a legacy of poor management and poorer investments. It is time to put this failed experiment in Federal investment to rest. By terminating the EDA, we can streamline our Federal assistance programs and cut $200 million from the budget each year.

HISTORY

The Economic Development Agency was created in 1965 as part of the Great Society. It was designed to administer programs providing assistance to States, counties, cities, and communities suffering from substantial, persistent, or potential unemployment and underemployment.

In its inception, the EDA was established to provide assistance to rural areas. Over the years, the EDA's mission was broadened to encompass urban areas and it began to make direct and guaranteed loans to private businesses while continuing to provide grants to State and local governments.

In many ways, the Carter administration's decision to make a flagship out of the EDA was the program's midas touch. Propelled out of obscurity, the newly enlarged administration began attracting headlines and the EDA's underlying faults became readily apparent.

In 1981, citing a legacy of failed projects and pork-riddled investments, the Reagan administration targeted the EDA for elimination. What followed was a decade-long battle between Congress and the Reagan and Bush administrations that ended when Bill Clinton was elected to the White House.

During the decade, the budget for the EDA dropped precipitously. From a high during the Carter administration of over a billion dollars, the EDA's budget fell to $257 million in fiscal year 1992. This lower profile, however, has not shielded the administration from continued criticism.

LEGISLATION

The bill I am introducing would terminate the EDA taking effect in fiscal year 1994. The bill would authorize the Secretary of Commerce to continue to operate the EDA's revolving fund until all its current obligations are concluded.

This legislation is not an attack upon the people who work at the EDA. The EDA's failure can be attributed to an unworkable mandate and congressional micromanagement, not civil servants.

It does not eliminate Federal assistance to State and local governments. The Community Development Block Grant Program currently serves many of the same constituents served by the EDA. The CDBG program does it better, with fewer controversies and embarrassments.

This bill is an attack on Government waste. The EDA has invested in empty industrial parks, roads that lead nowhere, and sewer hookups to empty fields. At one point, over 40 percent of the businesses invested in by the EDA were in default.

It's also an attack on pork-barrel spending. When the EDA was created, 12 percent of the population qualified for EDA grants. Today, 90 percent of the country lives in areas eligible for EDA assistance.

Obviously, 90 percent of this country is not economically distressed. Instead, eagerly seeking out Federal dollars, Congress has expanded the EDA's jurisdiction to the point where its original mandate to assist areas with high unemployment has become meaningless.

Furthermore, there is a long list of examples where individual Congressmen have forced the EDA to fund projects that were ineligible for EDA assistance. To many, the EDA became a pork-barrel slush fund for powerful Members of Congress and their friends.

CONCLUSION

The history of the EDA is a history of failure and frustration. Simply put, it is not the Federal Government's job to make local investments. There are too many pitfalls, political and otherwise, to do the job well.

For a President focused on public-private partnerships, the EDA provides Bill Clinton with an excellent example of what not to do. Envisioned as an administration to facilitate economic growth in distressed areas, the EDA became a means for individual Congressmen to fund their pet projects or to provide favors to political allies.

THE CRISIS IN ARMENIA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. CARDIN. Mr. Speaker, I raise to call attention to the dreadful suffering in Armenia.

My hometown newspaper, the Baltimore Sun, this past Sunday ran a story about the terrible human crisis in Armenia. The headline read: "In Winter's Chill, a Nation's Dying Days." I was shocked by the extent of the hardship that has been inflicted on the Armenian people. I am including a copy of this article in the RECORD so that my colleagues can better appreciate the situation faced by Armenia.

The Armenians are a proud people. After barely surviving a systematic and deliberate massacre at the hands of the Ottoman Empire from 1915 to 1923, Armenia became a Soviet republic. Even under Soviet occupation, the Armenian culture, language, and church has survived. In 1988, Armenia was struck by a massive earthquake that destroyed half of the country's industrial base and left large numbers of people homeless.

With the collapse of the former Soviet Union, the Armenian people gained their freedom and independence. In spite of the earthquake, the hard-working, entrepreneurial spirit of the Armenian people quickly made Armenia one of the most prosperous and successful of the former Soviet republics.

Unfortunately, the demise of the Soviet Union also meant a withdrawal of the Soviet Red Army, which had imposed a series of cease-fires on Armenia and Azerbaijan. In the absence of a peacekeeping force, Azerbaijan erected a blockade against the 3.3 million people living in Armenia. The most devastating aspect of the blockade has been the denial of energy supplies. For many months, the Armenian people struggled to continue some semblance of normal life, allocating the scarce energy resources made available through a gas pipeline from neighboring Georgia.

Last week, Armenia was plunged into frigid darkness when the gas pipeline from Georgia was blown up. Like a scene from a Charles Dickens novel, the sky over the Armenian capital of Yerevan is black from the smoke of wood-burning stoves that litter living rooms across the city. Much of the country is without heat or running water. At most, electricity is available for a couple of hours a day. In a desperate struggle to stay warn, people have stripped the city's parks and streets of trees to feed their wood-burning stoves.

Now, Mr. Speaker, even the flame burning atop the monument to the Armenian genocide in Yerevan has died for lack of fuel. Let us not allow this same fate to befall the Armenian nation.

IN WINTER'S CHILL, A NATION'S DYING DAYS

(By Kathy Lally)

YEREVAN, ARMENIA—The most destructive forces unleashed by the demise of the Soviet Union are bearing down on small, once wealthy Armenia, leaving it on the brink of obliteration.

Most people are living without heat or running water. They have electricity two hours a day. All major industries are closed, and unemployment is estimated at 65 percent. Packs of starving dogs roam the streets. Last week, a pack attacked and killed a woman.

The Christian country that waited centuries for independence is slowly receding from the modern world, due to a blockade imposed by neighboring Muslim Azerbaijan.

"There are projections that 30,000 people could starve in 1993," says Stuart Willcuts, deputy head of the International Red Cross delegation here, "and 500,000 are at risk."

On Friday night, the United Nations Security Council issued an urgent appeal for fuel and humanitarian assistance for Armenia and the Nakhichevan region of neighboring Azerbaijan. It read:

"The members of the council urge all countries in a position to help to facilitate the provision of fuel and humanitarian assistance and call on governments in the region, with a view to preventing a further deterioration of the humanitarian situation, to allow humanitarian supplies, and in particular fuel, to flow freely."

The plea came after the only gas pipeline still running into Armenia—through Georgia—was blown up a week ago in an attack that Armenia blamed on Azeris living in Georgia.

With this last, weak link to fuel for survival broken, Armenians must call on their last reserves to stay alive. A temporary repair reportedly was made Friday night, but it can deliver only a small percentage of the earlier supply. Repairs to the pipeline are expected to take up to a month, assuming there is no further sabotage.

The fight with Azerbaijan began in 1988 over the predominantly Armenian enclave of Nagorno-Karabakh, which the Soviets had given to Azerbaijan.

Azerbaijan imposed a blockade in 1990 against Armenia, then tightened it into a stranglehold. Civil unrest in Georgia prevents help from that neighbor. Turkey shares another border, but the Turks historically have had no sympathy for Armenians.

A PRIMAL STRUGGLE TO STAY ALIVE

Two years after it began, the blockade is taking an awful toll. Outward signs of civilization are fast disappearing. Life has become little more than a primal struggle to stay alive.

People desperate for warmth and cooking fuel are chopping down practically anything that burns, stripping the city's parks and avenues of trees. The dark nights are filled with the scraping of saws. Morning light illuminates trails of sawdust along disfigured streets.

There is no public transportation. Everybody moves on foot.

Schools shut down Dec. 3 and won't open before March, at the earliest. Children sit at home in darkened rooms with nothing to do.

Newspapers have stopped publishing. Only a few telephones work. Most hospitals have closed, and it's impossible to call an ambulance. Bread factories have been allocated scarce electricity, but a family of four may buy one loaf of bread a day—precious little when bread is the main course, supplemented by potatoes and preserves put up over the summer.

Water pressure is low. Anyone who lives above the first few floors of a building has to carry it by hand.

People are freezing. The temperature drops below 15 degrees at night. An elderly woman was found frozen to death on the steps of the Opera House early last Monday, according to Mr. Willcuts of the Red Cross. Five newborns reportedly died in the last week because hospitals were unable to keep them warm.

"Babies are dying, dogs are turning into wolves," said Linda Bedeian, director of humanitarian aid for the Armenian Assembly of America. "The streets are full of children pulling sleds with pots of water. Elderly women are sawing away at the trees. By the time summer comes, there will be no trees left in the country."

The city air is filled with blue smoke as people burn whatever they can in homemade stoves—door jambs, floorboards, anything at hand. Garbage piles up on streets.

But there may be worse to come.

The threat of disaster reaches far beyond this nation of 3.8 million people. Armenia's nuclear power plant, shut down after the devastating earthquake in 1988, is endangered by the lack of electricity. Even though it is inactive, the plant needs power to cool and ventilate its nuclear fuel and waste. An accident there could cause damage in the surrounding countries.

"The station is built on the Ararat Valley water basin," said Karine S. Danielian, the Armenian environmental minister. An accident could contaminate ground water in Turkey, Iran, Georgia and Azerbaijan.

"We can no longer assure its safety," Prime Minister Khosrov Harutyunian said last week. "Under the current situation, we can't guarantee a supply of power."

Even more frightening, the Armenian government has decided to reopen the plant despite the opposition of its own scientists, who fear nuclear catastrophe if another earthquake strikes. The plant will take a year and a half to reopen.

"What else can we do?" the prime minister asks.

Yet, in the face of this calamity, many still declare that they have what they need to keep their humanity. They have their freedom.

"Even a dog likes freedom," says Vahagn H. Demirdjian, vice minister of health.

"There is no need to go back," says Ofelia Buznynie, 68, "only to go forward."

Outside on the sidewalk, just a few hundred yards from Yerevan's main square, her son-in-law, Parkev Gyozalian, is chopping up sections of floorboard to burn.

Inside the 20-by-20-foot room in which seven family members live, emblems of normal life are gathering dust. A Christmas tree stands, unreachable, on a window sill. A piano sits in one corner; shelves filled with books and religious pictures line one wall.

Books and music are part of the past—they sit behind a barricade of beds and chairs that have been moved to make room for a tiny stove Mr. Gyozalian built of stone and cement. It's not much, but at least a small pot can boil on it, and some warmth is shed.

"Of course, life was not easy when I was young," says Mrs. Buznynie, sitting with grandchildren Lilit, 4, and Souren, 3, in the dark room.

"We couldn't speak. We were afraid even of the walls. Our land was taken away by the Bolsheviks. Life is harder now than it was then. But then we feared every knock at the door."

As there is no electricity, Mr. Gyozalian no longer has to go to his job repairing traffic lights. So he has become a gatherer of wood, his wife a forager of food.

"I am very happy the Soviet Union collapsed," Mr. Gyozalian says. "What we need now is for our government to find a way to come to a compromise with the Azeris."

"WE CAN STILL LAUGH"

Life is hell here, but never mind, says his mother-in-law.

"We can still laugh," offers Mrs. Buznynie. "Now real love is shown," adds Mr. Gyozalian.

They quickly find the last of their coffee, brew it over the stove, rummage for a flowered china cup, and press this treasure on their visitor.

Kindness refuses to be extinguished here. A woman begging on the street gets small bills from a succession of passers-by.

The government no longer has money to support a Yerevan children's home, says Yelena Kasparian, the director. But the 49 children are loved and protected.

Babies are wrapped in scarves and shawls, and tucked into bunting. Children lie two to a bed, head to toe, keeping warm under blankets. Neighbors offer what they have.

One afternoon last week, two men appeared with a carload of wood. The women who work in the home spend the day at hard labor, heating pots of water and washing clothes and diapers by hand.

"Probably things will be better," says Mrs. Kasparian, "but we will be gone by then."

They wonder here about a world that was so eager to fight communism but now does not seem so eager to help preserve freedom and independence.

"It all turned out to be slogans used by the big powers in areas of the world where they felt the need to use them." says Mrs. Danielan, the environmental minister. "Now they are watching as our people are dying."

Armenia will be without bread for 142 days this year, says Mr. Willcuts of the Red Cross, despite the efforts of the International Red Cross, the U.N. High Commission for Refugees and humanitarian aid from other countries, including the United States—some of which is getting through the blockade.

Armenia had no chance to recover from the 1988 earthquake, which killed 35,000 people and left 500,000 homeless, before the conflict with Azerbaijan turned even more people out of their homes and killed 6,000 people. Ten percent of the population are refugees.

Now, Armenia, the first of the former Soviet republics to privatize its land, the most prosperous of them, is now the most desperately poor.

"I've been in the refugee-related disaster business for 20 years," says Mr. Willcuts, "and I've never seen anything like this. Here you have a developed country that is slipping backward . . . into the Third World."

A week ago, a sewer line burst in Kirovakan in north Armenia, contaminating the water supply and resulting in 300 cases of dysentery and seven deaths.

"Those are official statistics," Mr. Willcuts says. "I believe you can double that. We have ahead of us a potential for even more."

A study done for the U.S. Centers for Disease Control found an increase of 61 percent in diarrheal diseases in the past six months. Viral hepatitis has increased by 163 percent and hepatitis A by 213 percent. Measles is up by 60 percent.

Mr. Demirdjian says Armenia is grateful for the humanitarian aid it has been receiving. But, he says, his country needs peace more than food.

"The international communities try to provide Armenia with food, but no one is trying to prevent the cause," he says. "The Armenian people are hard workers. If the cause were eliminated and the blockade lifted, they could begin to work. They could begin to live as people."

The nation, surrounded and battered, can't prevail over Azerbaijan. Nor can it bring itself to surrender.

"We need foreign countries to use all their authority to pressure the Azeri leadership for a negotiated settlement," says Mr. Harutyunian, the prime minister.

Armenia, says Mrs. Danielian, has no choices left. "I'm one of those people who would prefer to die free."

OUR NATION'S FINEST SPEAK OUT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. STARK. Mr. Speaker, I would like to share with my colleagues a letter I received recently from a constituent of mine in California. He is an officer in the U.S. Navy and wrote to me in support of the President's plan to lift the ban on gays and lesbians in the military.

I will not reveal his name, but he writes as a naval officer who has seen combat and his letter speaks to all those who ask us to defer this civil rights issue to popular opinion in the uniformed services. He makes the case more eloquently than I could and deserves our careful attention.

The letter follows:

I am currently a naval officer on active duty in California. I am registered to vote in my hometown in your congressional district.

I am writing you concerning the current debate on lifting the ban against homosexuals in the military. I have thought long and hard about it and feel it is important that I write to you in order to let you know my opinion/stance.

When I joined the Navy ten years ago, I was very naive in the ways of both the Navy and the world. Most of my perceptions came from what I learned from my parents and at school.

When I was assigned to sea duty in 1987, I served with 350 other men in cramped living spaces on a ship that was older than I was. Throughout the next two and one half years on that ship and a subsequent two year tour on an aircraft carrier I learned one of the most important lessons of my life: that (on the ship) the single, most important characteristic about a person is his or her job performance.

I learned to see past and accept skin color, ethnicity, accent and any number of things that made the sailors in my division different than me. I also learned to accept the ones who trusted me enough to tell me that they were gay. I found that the homosexual sailors' performance was no different than that of the heterosexual sailors'. In many cases, they were among the best of the men I was assigned. When the ship went into the Persian Gulf, I counted on all my sailors, not just the straight ones, to do their job and keep us all alive.

I realize that some people are uncomfortable with the prospect of the gay ban being lifted. I understand their feelings but I do not agree with them. The comfort of some should not preclude the rights of others. If this were the case, I would not be able to serve as I have for the past eleven years; I would instead have been relegated to the jobs which Hispanics and Blacks held prior to the integration of the Department of Defense in the fifties.

I urge you to support President Clinton as he works to lift the ban on homosexuals in the services and would appreciate a response stating your position on the issue.

THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. ANGELO INGRAFFIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary couple from the Third Congressional District of Illinois, Angelo and Barbara Ingraffia. They celebrated their 50th wedding anniversary on Sunday, February 14, and are a role model of the family strength and solidity which has made America great.

Their commitment to each other and their family is impressive and deserving of special recognition and honor. I am sure that my colleagues join me in congratulating Angelo and Barbara Ingraffia on their many years of love and commitment. May their life together continue to be full of joy and offer them many pleasant memories.

THE MONROE COUNTY FARM BUREAU CELEBRATES ITS 75TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of the Monroe County Farm Bureau's 75th anniversary. The Monroe County Farm Bureau was formed on December 31, 1917, with Mr. John Gummersheimer as its first president. The group organized in the county's seat—Waterloo—and continues to meet there today.

A special celebration in honor of this anniversary will be held on February 28, 1993, in Hecker, IL. I am pleased to have been invited to celebrate this special occasion with Monroe County Farm Bureau members. Many descendants of the founding members are still active in the group today, and under the leadership of current president, Lyle Wessel, it has grown to include approximately 2,800 members. I thank my colleagues for joining me in recognizing this 75th anniversary.

LETTER TO DR. RONALD W. ROSKENS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. BEREUTER. Mr. Speaker, given the distinguished service of Dr. Ronald W. Roskens as the Administrator of the U.S. Agency for International Development during the Bush ad-

ministration, and the fact that he is a long-term resident of Nebraska, I thought it was entirely appropriate to call to my colleagues' attention the very complimentary letter my distinguished colleague from the Third District, BILL BARRETT, sent to Dr. Roskens. Before Dr. Roskens completed this challenging assignment he had served as the chancellor of the University of Nebraska-Omaha, and the president of the University of Nebraska system in a fashion that was highly regarded by Nebraskans. This Member joins his Nebraska colleague in the sentiments of the following letter, and extends our best wishes to Ron and Lois Roskens as they turn to crucial and challenging new international roles from their Omaha location through his position as head of Action International, a council of top world leaders from diverse important nations:

December 4, 1992.

Dr. RONALD W. ROSKENS,
Director, USAID, Washington, DC.

DEAR RON: Although this is but a brief note, it still brings thanks and accolades to you as you bring to a close your leadership at USAID. While you've had to guide the agency through difficult times and controversy, you met every challenge and successfully accomplished your mission. The country is indebted to you for taking time to serve her so well.

Certainly this note would not be complete if I did not welcome you back to Nebraska and wish you the very best as you start a new chapter in your career with Action International. I'll be interested in the work of this new organization, and I hope you'll stay in touch and let me know if ever I can be of assistance.

Please give my best to Lois. And again, congratulations and best of luck in the future!

Sincerely,

BILL BARRETT,
Member of Congress.

TRIBUTE TO GORHAM BLACK: "A CHAMPION FOR THE ELDERLY"

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. BLACKWELL. Mr. Speaker, I rise today to pay special tribute to one of Pennsylvania's oustanding citizens, Gorham L. Black, Jr., who recently passed.

Gorham Black was the first secretary for the Pennsylvania Department on Aging, and I might add that he served with distinction in this position from 1979 until 1984 when he retired. Under the leadership of Mr. Black, Pennsylvania's Department of Aging was widely recognized as a model and an institution characterized by its vast productivity in the field of aging.

In his capacity as the secretary of the Pennsylvania Department of Aging, Mr. Black was instrumental in securing passage of the pharmaceutical assistance contract for the elderly, which assisted more than 500,000 elderly persons to obtain prescriptions at affordable costs.

Mr. Speaker, Gorham Black excelled as a member of the National Caucus and Center on Black aged; he also served as a member of the board of directors where he later became cochairman. Mr. Black appeared before Congress and the executive branch as a leading spokesperson on the problems affecting elderly African-Americans and other low-income older Americans. Mr. Black was especially well-known for the inspiration and encouragement that he provided to elderly blacks when he spoke throughout our great Nation.

Gorham was also the 1989 recipient of the prestigious Living Legacy Award which is conferred by the National Caucus and Center on Black Aged. The aforementioned is the highest accolade and honor that the National Caucus and Center on Black Aged awards to elderly African-Americans for their contributions to the society in a wide range of fields. Past recipients of this award include the late Supreme Court Justice Thurgood Marshall, Dr. Martin Luther King, Jr., Jesse Owens, Aaron Henry, Dorothy Height, Robert Weaver, and numerous luminaries.

Mr. Speaker, Gorahm Black spent 27 years serving his country in the U.S. Army, whereby such service spanned from 1941, when he enlisted as a private, to 1968, when he retired as a colonel. He saw combat duty as an infantry officer in World War II and the Korean conflict. He was awarded the Silver Star, Legion of Merit, Purple Heart, and several other awards.

Mr. Speaker, just as other organizations have recognized Gorham's unselfish contributions to our society, I too ask that you and other colleagues join me and the State of Pennsylvania in saluting Gorham Black.

Mr. Speaker, Mr. Black was a model citizen and a community activist; I am therefore delighted to take this opportunity to salute his long-standing dedication to the senior citizens in Pennsylvania and across the United States.

HEARING OF THE ECONOMIC DEVELOPMENT SUBCOMMITTEE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. FILNER. Mr. Speaker, on February 3, 1993, the Economic Development Subcommittee of the House Committee on Public Works and Transportation held the last of three hearings on the subject of "Investing in America's Infrastructure: Short and Long-Term Strategies." My testimony to the committee, which follows, stressed the necessity of linking short-term economic stimulus and long-term economic conversion.

Today and in past hearings we have heard about the state of our economy: unacceptable unemployment and underemployment rates, families without jobs and food on the table, and an aging and inadequate infrastructure plague every part of the Nation. Like many other places, my home town of San Diego has hundreds of projects that are ready-to-go and, with adequate resources, could be employing thousands of people within 3 months.

These projects total hundreds of millions of dollars. They will improve our region's economy through infrastructure investment and the creation of jobs. These projects are in the areas of technology, environment, public safety, library, housing, water, transportation, neighborhood pride and protection, parks, and commercial revitalization.

Chairman MINETA mentioned specificity yesterday. I have here with me wish lists from the city of San Diego, San Diego County, the city of Chula Vista, and the San Diego Unified School District. These lists mention hundreds of very specific projects, their cost, and the number of jobs each project would create. All of these projects are ready-to-go, but they require funding.

Financing of these ready-to-go projects is a worthy goal, as is putting America back to work, and we on this committee must commit ourselves to making it happen. But as we consider the short-term infrastructure stimulus, we must begin to link this strategy with long-term economic conversion plans.

Like many other cities in this Nation, San Diego is heavily dependent on defense spending, and is suffering because of defense cutbacks. We have already lost thousands of jobs and several multimillion dollar defense contracts.

We have begun the painful process of weaning ourselves from the military, but it is not an easy process and it is one that requires a tremendous amount of resources. When I was on the San Diego City Council, I convinced the council to adopt an economic conversion plan, and obtained a Federal grant for this program. But, we have a long way to go.

As this Nation realizes the critical need for both economic conversion and economic stimulus, we must start thinking of how we can accomplish both with the same resources. We must formulate a plan in which defense companies with conversion plans get priority on projects we are financing to stimulate the economy and repair our Nation's infrastructure. We must link new projects with existing and future job retraining programs.

For example, under the Clean Water Act, San Diego will be building multibillion dollar sewage treatment and water reclamation systems. At the same time, however, we have aerospace and high-technology defense contractors losing contracts. As we build these new sewage and reclamation facilities, let us give preference to defense contractors with approved conversion plans. As we hire engineers and mid-level managers for these projects, let us give priority to laid-off workers currently being trained for other jobs which may or may not exist.

The city of San Diego is also interested in constructing a $25 million Traffic Control Communications Systems for "smart roads and highways." Many defense technologies are perfectly suited to the development of these smart systems and we should ensure that we link available technology with need as we finance these infrastructure improvements.

We must begin to think about linking all the short-term stimuli to long-term economic diversification projects. In this regard, we would be fulfilling two national objectives at the same time while using one source of funds. And we would be helping our defense industries diversify into civilian markets and domestic need.

This is a vital link which we cannot ignore and I would respectfully ask the subcommittee to consider all of these discussions in the con-

text of this Nation's economic conversion needs.

LYME DISEASE AWARENESS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, as the Member of Congress representing the area with the most reported cases of Lyme disease in the country, I have introduced legislation that would designate the week of June 6, 1993 and June 5, 1994 as Lyme Disease Awareness Week. Senator JOSEPH LIEBERMAN of Connecticut is introducing identical legislation in the Senate. I appreciate this opportunity to provide my colleagues with some background on Lyme disease, and why I believe that this legislation is worthy of their full attention.

Although Lyme disease was first officially reported just 18 years ago in Lyme, CT it has fast become the most common tick-borne disease and one of the fastest spreading infectious diseases in the United States. If treated early, the disease can be cured by antibiotic therapy; however, early diagnosis is often thwarted by the disease's resemblance to the flu and other less dangerous ailments. Indeed, without early treatment, a victim of Lyme disease can expect severe arthritis, heart disease, or neurologic complications. Later effects, often occurring months or years after the initial onset of the disease, include destructive arthritis and chronic neurologic disease.

Many people never even know that they have been bitten by this tick because it is so small. The tick which spreads that disease is the size of a comma in newsprint. The parasite can attach itself, feed, and detach itself to lay its eggs, all without the host's knowledge. Moreover, a person might not develop the telltale rash at the site of the tick bite, leaving a person clueless as to the cause of his or her ailment. Without the characteristic rash, doctors may have difficulty diagnosing Lyme disease. In addition, standard blood tests often do not reveal the presence of the spirochete.

Originally thought to be exclusively a regional problem of the coastal Northeast, Lyme disease is spreading rapidly to all areas of the country. In fact, since the Centers for Disease Control [CDC] began recording Lyme disease cases in 1982, more than 40,000 cases of Lyme disease have been reported to the CDC from 49 States. In 1991 alone, 9,300 new cases were reported to the CDC. However, because diagnosis is difficult and public awareness about the disease is limited, it is estimated that thousands of cases have gone undiagnosed, unreported, and—worse yet—untreated.

Mr. Speaker, because no vaccine currently exists for this disease, the most effective way to combat disease is through prevention. The key to prevention is education of the public. It is for this reason that Senator LIEBERMAN and I have introduced Lyme Disease Awareness Week. I hope my colleagues will join us in bringing this debilitating disease to the attention of all Americans by supporting this important resolution.

THE INTRODUCTION OF A BILL TO AMEND THE ENDANGERED SPECIES ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. FIELDS. Mr. Speaker, today I am introducing, along with our distinguished colleague HENRY BONILLA, an essential bill to solve a serious problem facing the city of San Antonio, TX.

On February 1, 1993, U.S. District Court Judge Lucius D. Bunton issued a ruling under the Endangered Species Act that will require that the water flows at the Comal and San Marcos Springs be maintained, even during a drought, to preserve the one-inch fountain darter. In order to comply with this ruling, current users will have to severely reduce the amount of water that is pumped from the 175-mile underground river known as the Edwards Aquifer. This aquifer is the source that feeds the Comal and San Marcos Springs.

Judge Bunton has also ruled that the State of Texas has until May 31, 1993, to develop a plan to regulate the spring flows. While the Texas legislature will, in all likelihood, comply with that arbitrary deadline, it is impossible for the city of San Antonio to develop alternative water supplies by that date.

This ruling presents a serious problem because the Edwards Aquifer is the sole source of drinking water for the 1.5 million residents of San Antonio, which is our Nation's ninth largest city. It has been estimated that compliance with the judge's ruling will result in a 68 percent reduction in available water. This will have a devastating impact on the city of San Antonio, Bexar County, and six other adjacent jurisdictions.

There is no alternative source of water to replace the Edwards Aquifer. It will take 5 to 10 years for significant amounts of non-aquifer water to become available at a cost of $500 million to $1.5 billion. This is clearly unacceptable.

Furthermore, initial elements of trying to maintain water flows at Comal Springs, based on the worst case scenario of a drought, include: A $9.6 billion annual reduction in spending; a $5.2 billion annual reduction in total output; a $3.3 billion annual reduction in personal income; a $2.6 billion annual reduction in wages and salaries; a $1.3 billion annual reduction in retail sales; and a permanent loss of 136,703 jobs with a disproportionate share of the impact being felt by low income minority families.

Mr. Speaker, these are devastating impacts and this ruling makes it clear why the Endangered Species Act must be reformed. We must clarify that this law was never intended to prevent the availability of our most basic human necessity—water. We must amend this act to ensure that the needs of people are considered just as carefully as one-inch fountain darters.

I am, therefore, introducing legislation today that would exempt the Edwards Aquifer from the Endangered Species Act. Under my bill, if a drought were to occur and water supplies were to be rationed, then priority would be given to human consumption of that water rather than simply reserving it solely for the fountain darter.

There are certain groups that advocate limiting the amount of water that may be pumped from the aquifer and want to dictate to farmers and ranchers how much water they may use. This is an outrage, and I will strongly oppose any effort that denies any Texas citizen the right to fully utilize his or her own water rights.

The Endangered Species Act is designed to ensure that endangered and threatened species are protected for future generations. Nevertheless, Congress has a responsibility to protect not only fauna and flora but to protect our citizens' basic constitutional right to be able to enjoy their private property. We can have both a strong Endangered Species Act and continued economic development.

If my bill or other similar relief legislation is not enacted, then the fine people of San Antonio could truly become the endangered species. And make no mistake, this onerous judicial ruling can easily be applied in the future to other cities and communities throughout this Nation.

We must not forget the people of San Antonio and we must enact the legislation I am proposing today. I urge my colleagues to join with me in this vital effort.

THE NEED FOR NATIONAL HEALTH CARE REFORM NO. 3: SPENDING HIS LIFE SAVINGS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. STARK. Mr. Speaker, one more example of the desperate need for health reform; last fall one of my Oakland constituents wrote about her brother who lost his life savings following a heart attack.

Her brother had worked for a small family-owned company with five employees. Several years ago they stopped providing their employees with medical benefits, because they could not afford it. My constituent's brother exhausted his COBRA health continuation benefits, and when he had his heart attack at age 59, 6 years before Medicare eligibility, he had no health coverage at all. After his attack, he paid the county hospital $18,000—his life savings—for the 8 days in the hospital.

As my constituent writes:

> Now my brother is faced with the reality of spending his life savings to pay for hospitalization and doctors, which is very devastating for him and does not help toward recovery * * * If Washington remains insensitive and does not move on this critical issue, it may well lead to the genocide of the poor in this land of plenty.

Mr. Speaker, it is way, way past time to make sure that all Americans, regardless of age or medical condition, have health insurance.

TRIBUTE TO MR. LEONARD GARDNER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. COSTELLO. Mr. Speaker, I rise today in honor of a leader in Illinois agriculture issues—Leonard Gardner. At the end of last year, Len retired from the Illinois Farm Bureau after 36 years of service. Len joined IFB as a research department assistant immediately after graduating from the University of Illinois. He later served as assistant to the president for 6 years and IFB secretary for 10 years. At the time of Len's retirement, he was serving as executive director of governmental affairs, overseeing IFB concerns at all levels of government.

Beside his work with IFB, Len has been active in other matters to benefit his community and State. He has served on the Illinois Commission on the Future of Public Service and the Committee to Implement the 1970 Constitution. In addition, he presently serves on the board of directors of both the Taxpayers Federation of Illinois and the Bank of Illinois in Normal.

Len will be recognized at a special retirement party on Monday, February 22, in Springfield. Our former House colleague and Agriculture Secretary Ed Madigan will be the guest speaker at this occasion. I thank my colleagues for joining me in recognizing Len's 36 years of service and leadership to the IFB.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the third Congressional District of Illinois who has completed a major goal in his Scouting career. On January 24, 1993, in Riverside, IL, John Flynn was honored at an Eagle Scout Court of Honor.

It is important to note that less than 2 percent of all young men in Scouting in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. John's Eagle Scout project was collecting clothes for Hessed House, a homeless shelter in Aurora, IL. With the help of others in the community, John was able to collect over 200 boxes of clothes and food. In addition, John shows his commitment to his community by participating in numerous other activities including being an altar server at St. Mary's Church in Riverside, a den chief for Pack 92 Webelos, and a crossing guard. He also belongs to the YMCA Leaders Club in Berwyn, IL.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring John Flynn for attaining the highest honor in Scouting—the rank of Eagle. Let us wish him the very best in all of his endeavors.

PROTECTING WORKERS' POLITICAL RIGHTS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. LEWIS of Florida. Mr. Speaker, Thomas Jefferson once said that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

These words articulate an important American principle. The Supreme Court upheld this principle in Communication Workers of America *versus* Beck, the 1988 case in which the Court held that a union may not use fees collected from an employee, if that employee objects, on activities unrelated to collective bargaining, contract administration, or grievance adjustment.

In April 1992, President Bush issued an executive order requiring Federal contractors to post notices informing employees of their rights under the Beck decision. Unfortunately, on February 1, 1993, President Clinton rescinded this order.

Workers should be informed of their right to refuse to contribute to causes with which they do not agree. Unions collected more than $10 billion in dues in 1991, and in some unions, more than half of dues are spent for political purposes. Workers who are unaware of their right to refuse to subsidize union political activity are left victim to the political agendas of union bosses.

Today I am introducing legislation to reinstate the Bush Executive order implementing the Beck decision. I call on my colleagues to join me in this effort to ensure that working Americans know their rights regarding union dues spent on political activities.

VOTER FRAUD BILL OF 1993 (H.R. 2)

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. MICHEL. Mr. Speaker, 2 weeks ago we passed legislation that I opposed for a variety of reasons. The National Voter Enhancement Act of 1993 requires States to provide voter registration at driver's license bureaus and public assistance offices and through the mail, without providing the necessary funds. Further, it mandates reduced mail rates for voter registration purposes, without providing funding to offset this subsidy.

Illinois State officials responsible for election security are overwhelmingly opposed to this bill for the same reason I opposed it. According to Theresa M. Petrone, a member of Illinois' State Board of Elections, an estimated $40,836,378 would be necessary for start up costs alone for the Illinois State government. This does not include additional costs necessary in each county, which would be millions more.

The following are excerpts of correspondence I received from Theresa Petrone, Governor Edgar of Illinois, and Governor Thompson of Wisconsin:

THERESA PETRONE, MEMBER OF THE ILLINOIS BOARD OF ELECTIONS

Without a doubt I believe that the intent of this (National Voter Registration Act of 1993) proposed legislation to increase voter participation is commendable. Though voter participation greatly increased in the last election, it remains a serious problem. Certainly voter registration should not in any way impose unnecessary barriers to voting. Likewise, methods of increasing opportunities for voter registration should not increase the potential of vote fraud and must be administratively feasible. I do not know where the State of Illinois would find the millions of dollars necessary to put this bill into practice.

Illinois has problems in implementing this legislation which may be unique. Our past reputation for vote fraud, deserved or not, has caused us to establish procedures which ensure the integrity of the electoral process and which we would be most reluctant to eliminate. As recently as last November over 300 names of deceased voters were discovered on the registration rolls in East St. Louis, Illinois, even though purging is required every two years and the Department of Health supplies death records to election officials. Records show that the voting participation of some of these deceased actually improved after death.

Under current Illinois law, a registrant's address is verified by mail (to ensure the integrity of the electoral process). Due to the configuration of the state and the requirements of this proposed legislation, this verification process may have to be eliminated. It would be extremely unlikely that registrations executed in southern Illinois could be mailed to northern Illinois and processed in a timely fashion to allow for absentee voting.

Presently, registration in Illinois closes 30 days prior to an election. If a registration is taken in an office in Carbondale, Illinois, at the southern tip of the state and the location of one of the major state universities, the registration cards would take a minimum of 7 days to be delivered to the office of the Chicago Board of Election Commissioners in the northern portion of the State. The election office is then required to verify the registration address by mail. This process would probably take another 7–10 days as time must be allowed for the mail to be returned to the office if the address is not valid. The voter must then be sent an application for ballot which must be completed and returned to the election office. This would possibly take another 10 days if the voter responds immediately. Mailing, voting and returning the ballot would account for an additional 10 days at the very minimum. If all goes well, the length of time required for such registration and absentee voting would be 34 days (7+7+10+10). Too late to count the ballot!

The alternative is to develop a network for registration across the state. The estimated cost of such a computer network is approximately $40,000,000.

Current Illinois law also provides for a signature verification process in the polling place. A second copy of the registration card bearing a verified signature is used for this purpose. The universal registration card provided for in the proposed legislation and the

mail registration most likely will eliminate the second copy of the registration card and the verified signature. I realize that few states require signature verification by the pollworkers as they are not handwriting experts. However, experts or not, I believe that signature verification by anyone is a psychological deterrent to vote fraud. Technology is in place to allow Illinois to retain signature verification with this federal legislation. Such a signature retrieval system is estimated to cost approximately $12,000,000.

Many of the provisions in H.R. 2 have been debated in the Illinois General Assembly and rejected. As a firm believer that each state understands best how to facilitate its electoral process, I must oppose many of the implementation requirements in this bill.

GOVERNOR JIM EDGAR, STATE OF ILLINOIS

I am opposed to this ("motor-voter" bill) legislation and I urge you to vote against it.

The motor-voter bill will require a massive statewide voter registration program at all state offices without providing for the administrative costs of this service. It will, however, increase the waiting time for all applicants for state services, including those applying for unemployment compensation and driver's licenses, as well as contribute significantly to voter fraud in the state. In addition, the Federal Election Commission suggests that registration requirements have no significant effect on participation rates. Voters are motivated by candidates and issues, not by mandating yet another method of voter registration.

H.R. 2 is simply another unfunded federal mandate that places administrative costs and burdens on the state and taxpayers of Illinois while contributing to delays for state services and increasing the risks of voter fraud. For these reasons I oppose H.R. 2, the National Voter Registration Act, and I urge you to vote against this legislation as it comes before the House.

GOVERNOR TOMMY THOMPSON, STATE OF WISCONSIN

I am writing to express my opposition to H.R. 2, the National Motor Voter Registration Act. I support efforts to improve voter registration, however, this legislation is not an effective means of achieving that goal.

In December of 1991, I vetoed a bill passed by the Wisconsin Legislature that would have established a registration system similar to that proposed in H.R. 2. The legislation was not a cost effective means of improving Wisconsin's voter registration program which is already among the best in the nation.

Although Wisconsin would receive an exemption from enacting provisions of the program because it is one of three states to permit same-day voter registration at the polling place, I must object to this attempt by Congress to pass another unfunded mandate on the states. The bill will require states to provide voter registration at driver's licensing centers and other public assistance offices and through the mail without providing the necessary funding.

Unfunded mandates are stealing resources from the states stifling state initiative. The 101st Congress passed legislation imposing twenty two mandates costing states over $15 billion and several others were passed in the 102nd Congress that impose further burdens. I am opposed to H.R. 2 and I am hopeful that you will vote against this faulty bill.

TRIBUTE TO FOUR HEROES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mrs. ROUKEMA. Mr. Speaker, I would like to pay tribute today to four heroes. George Lansing Fox, Alexander David Goode, Clark Poling, and John Washington, four chaplains in the U.S. Army who were killed when their ship, the U.S.S. *Dorcester*, was torpedoed off the coast of Greenland during World War II. The heroic deaths of these men will be observed on February 6, 1993, by the Cpl. Jedh C. Barker Memorial Post of the American Legion.

George Lansing Fox received a Silver Star, a Purple Heart, and France's Croix de Guerre for service in World War I. He began preaching in a Methodist church in Vermont at the age of 34. After the bombing of Pearl Harbor, Fox, who was by then past 40, volunteered for the Corps of Chaplains and left behind his wife and two sons.

Alexander David Goode joined the National Guard while he was still in high school. He served 9 years before he became a rabbi, following his father and grandfather's example. He lead a temple in York, PA, before joining the Corps of Chaplains seeking overseas duty. He left his wife, Teresa, behind.

Clark Poling was a free-spirited youth who announced to his father that he intended to break from the family tradition of entering the ministry to become a lawyer. But after a year of college, Clark could no longer ignore the call and became the eighth generation of ministers in his family when he was ordained in 1938. He moved to New York where he helped revive the First Reformed Church (Dutch) in Schenectady. Clark left behind his pregnant wife and their 2-year-old son.

John Washington, who was born in Newark, was stricken with a severe throat infection at the age of 12. Although he was expected to die—a parish priest administered last rights—John recovered and confided in his sister that he believed God had something special for him to do. Ordained a Catholic priest in 1937, John served at St. Joseph's Church in North Arlington, NJ.

These four men of four faiths had one duty. They were aboard the *Dorcester* to ease the minds of the soldiers. They held worship services, offered sympathy to those suffering from illness, and broke the tension on the ship with laughter and song.

On February 3, 1943, the true mettle of these men was put to the test. At 12:55 a.m. the *Dorcester* was torpedoed by a U–456. As panic swept through the ship, the chaplains stood as beacons of calm and order.

They directed the soldiers to their lifeboat stations. They distributed lifejackets to those who had left their own below deck. And after all the lifejackets had been given out, the chaplains handed over their own jackets. Chaplain Goode even gave his own gloves to Coast Guard CPO John Mahoney who had left his in his cabin.

As the *Dorcester* began to slide beneath the sea, the four chaplains locked arms and began to pray. Other men drew close and joined in the prayers. There were no screams, no fear, just prayer. And though the prayers were said in the different languages of Latin, Hebrew, and English they were all directed to the same God.

Of the 904 men who were on board the *Dorcester*, 605 died. Survivors, like John Ladd, will never forget the heroism of the chaplains. In Ladd's words, "It was the finest thing that I had ever seen, or hope to see, this side of heaven."

Mr. Speaker, on January 18, 1961, this body posthumously bestowed upon the four chaplains a Special Medal of Heroism; it was the only one ever given. Since that time, February 3 has come to be known as Four Chaplains Observance Day. Previous to that, Philadelphia's Chapel of the Four Chaplains was dedicated as an interfaith shrine in 1951.

Mr. Speaker, the efforts of these four men on the *Dorcester* that cold February night saved the lives of hundreds of soldiers. They, along with the entire country, owe a debt of gratitude to the four chaplains. It is for that reason that I urge my colleagues to join with me and the Cpl. Jedh C. Barker Memorial Post of the American Legion in paying tribute to these fine men. The memories of their heroic deeds will live on for generations to come.

LIBERATION OF CUBA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. DIAZ-BALART. Mr. Speaker, for 34 years the Cuban people have been victimized by the most brutal dictatorship in the Western Hemisphere.

Massive and systematic violations of the most fundamental human rights have characterized the rule of Fidel Castro from the very beginning of his regime. From torture in various forms, including by psychiatry, to execution, exile, confiscation, political imprisonment and other forms of repression, the totalitarian nature of the Cuban dictatorship deprives the Cuban people of any peaceful recourse to improving their own condition and has led thousands to lose their lives attempting to escape Cuba to freedom, or fighting for freedom.

Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the Cuban people and their democratic aspirations.

Last fall, Congress spoke firmly and in a bipartisan way through the Cuban Democracy Act of 1992, by perfecting the United States policy of refusing to trade with the Cuban dictatorship.

In fact, the only sanction existing in the world today against the unprecedented and extraordinary violations of human rights by the Castro dictatorship, is the unilateral United States policy embodied in the Cuban Democracy Act of 1992.

While that policy, our policy, shines as a beacon of solidarity with an oppressed people in an indifferent world, we cannot, nor will we stand still, until the Cuban dictatorship is eliminated and democracy returns to Cuba. The

time has come to clearly and unequivocally ask the world community to join us in helping the Cuban people end their oppression and recover their liberty.

In recent years the United Nations has determined that massive and systematic violations of human rights have constituted threats to peace under article 39 of its charter and has, accordingly, imposed international sanctions against the former Rhodesia, South Africa, Iraq, and the former Yugoslavia.

A number of Members of Congress sent a letter to President Clinton a few weeks ago requesting mandatory U.N. Security Council sanctions against the Haitian dictatorship. I signed that letter, as a supporter of democracy for the Haitian people and as a manifestation of my rejection of double standards with regard to human rights in our hemisphere.

The concurrent resolution that we are filing today resolves that it is the sense of the Congress that:

1. The United States considers the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, a threat to international peace; and that

2. The President should advocate, and should instruct the United States representatives to the United Nations Security Council to propose and to seek, a mandatory international embargo against the totalitarian government in Cuba pursuant to Chapter 7 of the Charter of the United Nations.

I am hopeful that President Clinton, who's support was instrumental in the passage of the Cuban Democracy Act last fall and who has, subsequently, personally expressed to me his commitment to the liberation of Cuba, will support our efforts to ask the international community to join the United States in adopting a policy designed to accelerate the liberation of a people who, 90 miles from our shores, have been the victims of a brutal dictatorship for 34 years.

H. CON. RES. —

Whereas the United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights;

Whereas the Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people;

Whereas the Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act;

Whereas the 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to "terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance";

Whereas the Government of Cuba has engaged in the illegal international narcotics trade and harbors fugitives from justice in the United States;

Whereas the Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence;

Whereas the Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power;

Whereas Fidel Castro has defined democratic pluralism as "pluralistic garbage" and has made clear that he has no intention of tolerating the democratization of Cuban society;

Whereas the Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country;

Whereas although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country;

Whereas the United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and, in Resolution 1992/61, took the extraordinary step of appointing a Special Rapporteur;

Whereas the Government of Cuba refused access to the Special Rapporteur and formally expressed its decision not to "implement so much as one comma of Resolution 1992/61";

Whereas on December 4, 1992, the United Nations General Assembly passed Resolution 1992/70 which "Regrets profoundly the numerous uncontested reports of violations of human rights and fundamental freedoms" described in the Special Rapporteur's report to the United Nations;

Whereas Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.";

Whereas the United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia;

Whereas the totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful recourse to improving their own condition and has led thousands of Cuban citizens to risk or lose their lives in attempting to escape from Cuba to freedom; and

Whereas the Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 34 years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States considers the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, a threat to international peace; and

(2) the President should advocate, and should instruct the United States representatives to the United Nations Security Council to propose and to seek, a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations.

REINTRODUCTION OF THE ENTERPRISE CAPITAL FORMATION ACT OF 1993

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. MATSUI. Mr. Speaker, today I rise to reintroduce, with Representative HOAGLAND, and in conjunction with Senators BUMPERS and BROWN in the Senate, the Enterprise Capital Formation Act of 1993. We are doing so because this legislation is critical to reinvigorating our stagnating and job-poor economy.

Prior to 1991 and after the enactment of tax reform in 1986, few economic issues provoked more public controversy than whether to reintroduce preferential treatment for capital gains. At the hiatus of the argument in 1990, politics nudged economic theory aside and the debate became one of rich versus poor and tax fairness.

It was only in the last session of Congress that a consensus was reached and Democrats and Republicans alike supported the targeted capital gains approach put forward in the Enterprise Capital Formation Act. Portions of this proposal were included in both tax bills passed by both the House and Senate last year, but subsequently vetoed by President Bush. President Clinton endorsed this proposal during his campaign, and Treasury Secretary Bentsen cosponsored a portion of this targeted approach himself last year during consideration of the second tax bill.

The proposal that we are reintroducing aims to promote economic growth the job creation. It is targeted at seed and venture capital investment because it is a well-known fact that emerging firms are critical to the economy. According to the recently issued "State of Small Business" reports, small firms with 20 or fewer employees generated 4.1 million new jobs between 1988–90, while the larger firms, as we have all read, have reduced their work forces by upwards of 1.3 million jobs. If entrepreneurial investment had not slowed after 1986 as it did, small business job creation would undoubtedly have been even greater.

Not only do these emerging companies provide jobs, but they are generally on the cutting edge in fostering new technology. Nearly half of all venture capital investment in the 1980's has been in areas where the United States has subsequently secured a strong competitive position—medical and health fields; computer hardware and systems; computer software and systems, and telephone and data communications.

An important facet of this proposal is that it offers a targeted business incentive, but does not provide a preference for one type of corporate expenditure over another. It does not

dictate how a business should invest, but instead provides a patient capital base and rewards for profitability.

This legislation provides a much-needed stimulus for everyone. For those who have the capital to invest, it offers an incentive to take the risk and invest in our future. For those without jobs, it offers hope of new and dependable employment. For entrepreneurs, it offers back the American dream of pursuing innovation, and promises patient capital with which to do so. Finally, for our country, it demonstrates our commitment to encouraging the entrepreneurial spirit, fostering new technology, and increasing our competitiveness vis-a-vis the international market.

A strong economy depends on secure investment and thrives with creativity, productivity, and dependability. The Enterprise Capital Formation Act will help to create economic opportunity and job growth, and we plan to work hard with our colleagues and President Clinton to ensure its enactment.

Mr. Speaker, I respectfully insert a technical description outlining the provisions of the bill in the RECORD following this introductory statement.

OUTLINE: ENTERPRISE CAPITAL FORMATION ACT

Incentive for Venture and Seed Capital Investments:

Limited to high-risk, long-term, growth-oriented investments.

There are the investments that should stand first-in-line for any capital gains incentive.

Needed because of inadequate and costly capital markets for small businesses and emerging growth companies.

Incentives Applies Only to Purchase of Corporate Stock:

Includes founders stock, incentive stock options, private placements, non-public offerings, and public offerings of stock.

Includes all types of stock, including common, preferred and convertible preferred stock.

Includes stock of both "C" and "S" corporations.

Encourages capital formation through equity rather than debt and helps corporations avoid the credit crunch.

Applies Only To The Direct Purchase or Acquisition of Stock From A Corporation:

Focuses exclusively on investments that put capital directly into the hands of entrepreneurs.

Does not apply to trading of stock in secondary markets.

Incentive Focuses on Start-Ups and Other Smaller Companies:

Applies to new companies raising first capital and to existing companies that need more capital to expand as well as new companies as long as their aggregate capitalization does not exceed specified limits.

Seed capital incentive—applies to stock issued by companies with $5 million or less in aggregate capitalization.

Venture capital incentive—applies to stock issued by companies with $100 million or less in aggregate capitalization.

Aggregate capitalization limits are adjusted for inflation.

Company may issue more than one round of qualified stock as long as total aggregate capitalization does not exceed specified limits.

Investors Receive 50% Deduction on Gains on Stock Held For Five Years:

Investors in both venture and seed capital stock held for five or more years receive 50% deduction on gains—are taxed on half the gain.

Bill sets a maximum gains tax rate of 14% for taxpayers in 28% or 31% tax brackets (or proposed 36% bracket).

Maximum gains tax rate for taxpayers in 15% tax bracket is set at 7.5%.

Additional Deductions on Gains on Seed Capital Investments:

Seed capital investments qualify for 60–100% deduction if held for 6–10 Years.

Shareholders with losses on seed capital investments may deduct losses against ordinary income under Section 1244 (up to $50,000 per individual taxpayer).

Section 1244 currently permits ordinary losses for investments in stock of companies with $1 million or less in aggregate capitalization.

Investment Incentive is Available to Individual and Corporate Taxpayers:

We want corporations to be venture and seed capital investors.

Deduction Available to Partners in Venture Capital Partnerships That Pool Capital So That Individual Investors Can Make Seed and Venture Capital Investments:

Critically important to include partnerships and mutual fund investors so that average investor can participate in new market.

Shareholders Must Hold Stock For At Least Five Years To Qualify for Gains Incentive:

Encourages patient capital that permits enterprise to reinvest earnings in firm to build for long-term growth.

Holding Period for Incentive Stock Options Runs from Grant, Not Exercise, Date:

Provides incentive for productivity of employees.

Holding Period Is Not Interrupted by Corporate Reorganizations and Other Tax-Free Transfers of Stock.

Incentives Applies Only to New Investments:

Not retroactive to investments made before incentive goes into effect so no tax windfall.

Alternative Minimum Tax Applies to Deductions on Venture Capital Investments But Not On Seed Capital Investments:

Low and middle income taxpayers should not take risk associated with seed capital investments except when they are the founders of a small firm.

Need to encourage wealthy taxpayers to take risk with seed investments.

Anti-Evasion Provisions Prevent Companies From Redeeming Stock So Can Issue New, Qualified Stock.

Company Issuing Stock Must Be An Active Trade or Business For Five Years Following Issuance of Stock—Prevents Tax Shelters.

Bill Loses Modest Amount of Revenue and Can Easily Be Financed In Context of Modest Sized Tax Bill:

Sponsors accept revenue estimate of Joint Tax Committee.

Joint Tax Committee finds that bill would lose $1 billion in revenue over six years.

This revenue loss can easily be financed in the context of the 1993 tax bill.

A TRIBUTE TO DANIELA ROMO: MR. AMIGO, 1992

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Daniela Romo, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, Texas, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Mr. Amigo festivities in Brownsville. The Mr. Amigo festivity is a 4-day international event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a well-planned, major function which is enjoyed and eagerly anticipated by many south Texans, as well as our winter visitors.

In 1971, Daniela Romo became part of the artistic world as a member of the prestigious choir of Los Hermanos Zavala. She attended La Academia Andres Soler, to study acting, and she modeled while going to school. Daniela's acting career began with Greek tragedy and musical comedy. She has performed in seven plays and is recognized for her outstanding performance in the musical comedy, "El Diluvio que Viene." She has seven major motion pictures to her credit. On television, Daniela began directing musical programs and later acted on six "telenovelas."

The year 1993 marks the 10th anniversary of Daniela Romo's dedication to music. In 1983, the record production "Daniela Romo," was launched on the international market. That year she began a world tour to promote her record in Mexico, the United States, South America, Spain, Luxembourg, France and Belgium.

In 1986, Daniela Romo returned to telenovelas where she had a major role in "Camino Secreto," a series that was transmitted to all Spanish-speaking countries. In 1990, she participated in two great events that reaffirmed her international acclaim. In New York City, at the Madison Square Garden, she was part of the magna exposition, "30 centuries of Mexican Art," and in San Juan, Puerto Rico, at the Teatro de Bellas Artes de Puerto Rico.

Daniela Romo continues to be recognized throughout the world for her outstanding achievement. She defines herself as a Cantora, and hopes that she and her artistic career will be remembered fondly.

The prestigious Mr. Amigo designee, is selected on the basis of their contribution to international friendship and development of mutual understanding and cooperation between Mexico and the United States. Ms. Romo should be recognized for both her artistic ability and for her contribution to the commitment of understanding between nations.

As Mr. Amigo, Ms. Daniela Romo will receive royal treatment when she visits Brownsville as the city's honored guest during the Mr. Amigo celebration. During her 3-day stay on the border, she will make personal appearances in the parades and at other fiesta events. Official welcome receptions will be staged by organizations in Cameron County, Texas, and the cities of Brownsville, Texas, and Matamoros, Tamaulipas Mexico.

I ask my colleagues to join me in extending a very special congratulations to Daniela Romo for being honored with this special award.

TRIBUTE TO JUDITH JAMISON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. BLACKWELL. Mr. Speaker, I am delighted to stand here today to honor an exceptionally talented individual from the city of Philadelphia, Ms. Judith Jamison.

As a young girl growing up in Philadelphia, Judith Jamison developed a love for the art of dance. She began here formal dance study at the age of 6 under the direction of Marion Cuyjet. In addition to augmenting her dancing capabilities, Jamison also pursued artistic expression through the piano and violin.

Jamison attended Fisk University in Tennessee as a psychology major. However, due to her incredible talent, she later transferred to the Philadelphia Dance Academy—now the University of the Arts—to pursue a career in dance.

Throughout the years, she has enhanced her training with the assistance of such greats as Antony Tudor, John Hines, Delores Browne, John Jones, Joan Kerr, and Madame Swoboda. By the time she reached her early twenties, Jamison had developed a talent that could not go unnoticed.

When choreographer Agnes de Mille recognized Jamison's overwhelming potential, she provided her with a superb opportunity to perform. Under her direction, she made her New York debut in de Mille's "The Four Marys," with the American Ballet Theatre. Needless to say, Judith Jamison took New York by storm in what marked the beginning of her extraordinary career.

By 1965, Jamison had become the leading dancer of the well-known Alvin Ailey Dance Theater. Her fame quickly spread throughout the world from the success of tours in the United States, Europe, Asia, South America, and Africa. Consequently, she became known as the first black superstar of American dance.

Upon recognition of Jamison's elegant dance style. Alvin Ailey especially choreographed a variety of dance roles in her behalf. One of the most well-knwon was the tour de force, "Cry." This included two roles depicting the nobility and suffering of black women wherein Jamison portrayed both a slave and black queen.

To add to her impressive dance credentials, Jamison starred in the hit Broadway musical, "Sophisticated Ladies." In addition, she has appeared as a guest performer with the American Ballet Theatre, Harkness Ballet, San Francisco Ballet, Dallas Ballet, Vienna, Munich, and Hamburg State Opera Ballets, as well as Maurice Bejart's Ballet of the Twentieth Century.

In addition to her great abilities as a dancer, Ms. Jamison possesses an extraordinary talent for choreography. She lent her talent to create new works for Maurice Bejart, Dancer's Unlimited of Dallas, The Washington Ballet, and Jennifer Muller/The Works. One of her most memorable choreographed works includes "diving," for the Alvin Ailey American Dance Theater in 1984. Moreover, in January 1989, she choreographed her first opera, "Bioto's Mefistofele," for the Opera Company of Philadelphia. She has received much recognition for her outstanding works. For example, in 1989, PBS aired a special entitled, "Judith Jamison: The Dancemaker," which she also choreographed.

Judith Jamison is truly a dance innovator. Not only has she danced with some of the greatest dance companies in the world, but she has also worked with some of the world's great male dancers including James Truitte, Dudley Williams, Kevin Haigen, and Mikhail Baryshnikov.

Mr. Speaker, the city of Philadelphia is extremely proud of Judith Jamison. Her work is an indication that dreams do come true. I ask my colleague to join me in congratulating Ms. Jamison on her many wonderful contributions to the art of dance which have inspired millions.

NATIONAL FHA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. NATCHER. Mr. Speaker, I am pleased to join with the members and advisers of the Future Homemakers of America as they celebrate National FHA/HERO Week this week. FHA/HERO is a national vocational student organization which has involved over 9 million youth since its founding in 1945. It is the only in-school organization with the family as its central focus. This year's theme, "The Time Is Now," is an appropriate one because it emphasizes how FHA/HERO members are rising to fight problems such as stressful family situations, lack of global awareness, and low self-esteem.

These concerns will be addressed by over 270,000 members in 10,500 chapters across the Nation during FHA/HERO Week. Members will be participating in activities which demonstrate how home economics skills help them solve problems. One activity this year is the Second Annual Family Walk and Roll, an activity during which members and their families rollerblade, skate, or walk together to promote family communication and unity.

Activities and projects of this nature are not new to the members of the Future Homemakers of America. Throughout the year they are involved in a variety of family-oriented projects and they participate in numerous community service activities.

My home State of Kentucky was well represented in this organization this past year with 10,951 members active in 250 chapters. There were 1,285 members from the Second Congressional District of Kentucky, the district I represent. Several chapters of FHA/HERO from Kentucky's Second Congressional District were recognized at both State and national meetings. These chapters are: Barren County High School, Central Hardin High School, Green County High School, and the Lyndon Technical Center in Jefferson County.

Last July, 124 Kentucky members, advisers and guests attended the national leadership meeting in Chicago, IL. During this meeting, 44 members from Kentucky participated in star events. Thirty of these members received gold medals and 14 received silver medals. From the Second Congressional District of Kentucky, Charlie Tichenor, Cortney Albert, Corey Coate, and Amanda Dennis of the Spencer County High School Parliamentary Procedure Team won gold medals in the junior division. In the senior division, Stacy Simpson, Cindy Young, Spring Price, Karen Wisdom, Bethany Davis, Angie Ferguson, Jaclyn Lobb, and Stephanie Thompson of the Green County High School Parliamentary Procedure Team also won gold medals.

Eighty-three young people from Kentucky received power of one during the national leadership meeting. To receive power of one, FHA/HERO members must complete projects in five areas: improving self, strengthening family life, exploring careers, developing leadership skills, and promoting the organization. Those from Kentucky's Second Congressional District who received power of one are: Donna Spillman, Barren County High School; Angie Bryant and Leanna Nash, Hart County High School; Heather Minagawa and Tessa Smith, North Hardin High School; Stacy Cunningham, LaShonda Gummer, James Lee, and Spencer Rutledge of the Lyndon Technical Center and Emily Dennis, Spencer County High School.

I am also proud to have two State officers from the Second Congressional District of Kentucky. Chris Colburn of Spencer County High School is serving as vice president for programs and Karen Wisdom of Green County High School is serving as State activity leader.

Through FHA/HERO programs, all of these young men and women are being prepared for multiple roles as wage earners, community leaders, and caring family members, and during this process, they are providing a great deal of service to their communities.

I would like to commend all of those associated with the Future Homemakers of America throughout the United States and I wish them success in their future endeavors.

TRIBUTE TO MR. DAVID PETTITT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to a public servant my colleagues do not have the privilege of knowing. He is David Pettitt, a man of local government in my home district. Dave is the town of Camillus Highway Superintendent and this month, on February 25, he will be honored as the "Man of the Year" at the Elk's Lodge 2367, Camillus, NY for outstanding service and dedication to his fellow citizens.

If all politics is local, as has been suggested in our history, then Dave Pettitt is a politician's politician. More precisely, he is a public servant extraordinaire. His service extends beyond the clearing of streets in all seasons, which is admirable enough given the severity of our winters in central New York. He is a respected, admired, even cherished member of the community whose leadership in volunteer efforts and dedication to his fellow citizens makes him an institution in Camillus and a model for all of us in public service.

I am proud to say Dave is a friend of mine. His wife, Lucille, and he have been strong supporters of my efforts in public life. We share the experiences and values that make communities strong. And we share a special objective which I believe has motivated our Nation's greatest heroes: to help people.

I look forward to congratulating Dave in person for this honor.

NATIONAL ENGINEERS WEEK 1993

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. BROWN of California. Mr. Speaker, I rise today to pay special tribute to America's engineers, who will be celebrating National Engineers Week 1993, beginning on February 14.

No group has contributed more to our Nation's unsurpassed standard of living and economic leadership than American engineers. The wonders of our civilization—awe-inspiring space travel, ubiquitous communications, versatile personal computers, lifesaving heart pacemakers—all have one thing in common: Without engineers, they wouldn't exist. Yet for all these vital achievements, most people don't know much about engineers or what they do.

Now more than ever, Americans need to understand the engineering profession's essential role in the preservation of the American way of life. As President Clinton has said, "technology [is] the engine of economic growth." And it's engineers who create that technology. National Engineers Week is intended to nurture public awareness by honoring, each February, these visionaries of our modern age—the men and women who are turning ideas into reality.

Once again this year, America's engineers will approach their task not by resting on the laurels of past achievements, but by actively cultivating the seeds of America's future greatness. Kenneth T. Derr, honorary chair of National Engineers Week and Chevron Corp. president, is leading 30,000 engineering professionals into the Nation's classrooms, where they will inspire up to 3 million youngsters to relate their math and science studies to the world around them.

National Engineers Week is also giving tomorrow's technological pioneers a taste of society's future challenges. For the first-ever Future City Competition, teams of students, teachers, and engineer volunteers from hundreds of intermediate schools have engineered and modeled computer-simulated cities of the 21st century. And students involved in the Marsville project are overcoming the complex obstacles to life in an alien environment by designing and building life-support systems for a human habitat on Mars.

Mr. Speaker, I would like to urge my colleagues to join dozens of engineering societies and corporations in promoting National Engineers Week in every district in the country. To do so is not only to bestow some well-deserved recognition on America's engineers for their achievements, but also to make a sound investment in tomorrow's American dream. As Martha Sloan, chair of National Engineers Week and president of the Institute of Electrical and Electronics Engineers, has aptly stated, "America's future depends on the minds and hands of engineers."

TO DESIGNATE SEGMENTS OF THE RED RIVER AS A WILD AND SCENIC RIVER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. ROGERS. Mr. Speaker, today I am introducing legislation to protect one of America's most unique and splendid rivers—the Red River which runs through eastern Kentucky.

The Red River Gorge is a wondrous area—rugged towering cliffs, crashing white water, natural bridges, uncommon wildflowers, and archaeological wonders dot the landscape.

For the people of eastern Kentucky, the Red River Gorge is a place of solitude and incredible beauty. The river links a strong and vibrant people to the land in a way that should be protected for generations to come.

That is why I am proud to sponsor legislation that will designate a portion of this unspoiled river as a component of our National Wild and Scenic Rivers System.

The Red River Gorge has outstanding geological formations unique to the United States. Portions of the river send crashing whitewater rapids down the corridor, while the lower segment remains serene and tranquil.

The diversity of wildflowers along the river is a source of great pride to Kentuckians. Blue violet, aster, jack-in-the-pulpit, blue bells, wood lilies, dwarf asters, wild orchards, poppy, foxglove, and wild rose surround the countryside.

The river gorge is also rich in prehistoric, historic, and cultural resources. American Indians discovered the gorge area long before European settlers. Rock shelters protected them from the elements and provided defense in times of war.

During the 19th century, the area was heavily logged. But the trees have grown back, and today beech, oak, pine, hickory, dogwood, maple, and birch layer the thick forest canopy.

For the people of Wolfe, Menifee, and Powell Counties, the Red River is more than a unique archaeological and environmental area—it is home to family farms and strong community ties.

The people of these counties have worked hard to preserve and protect the lands. This legislation ensures that they will be equal partners at the table when it comes to maintaining a strong rural economy and protecting the Red River.

Under my legislation, affected landowners will be fully compensated for their holding if they choose to sell to the Federal Government.

And just as important, under my bill, if a landowner wants to keep his land—keep his cattle grazing, or plant hay or tobacco—he can do just that.

My bill places strong restrictions on the powers of the Federal Government so that they cannot condemn property just because the Government wants the land. There must be a willing seller.

This bill will go a long way to protect the Red River, protect the private property rights of landowners, and preserve the rich heritage of the land and the people for generations to come.

A THIRD U.S. DISTRICT JUDGE FOR IDAHO

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. LaROCCO. Mr. Speaker, today I am introducing legislation authorizing an additional district judge for the District of Idaho. As the Representative for one of the most rural congressional districts in America, I know firsthand the logistical difficulties and time constraints with which Idaho's two district judges must contend. Last year alone, the district judges in Idaho traveled from their home base of Boise, to hear cases in Moscow, Pocatello, and Coeur d'Alene on 21 separate occasions. In fact, they spend approximately 35 to 40 percent of their time on the road each year, covering the 85,000 square miles of our great State.

The legislation I am introducing today will help to rectify what is a growing problem for this Nation's judicial system. Our Constitution plainly guarantees everyone due process under the law. Creating an additional Article III judgeship for the District of Idaho will do much more than ease an undue burden on Idaho's two overworked district judges. It will help to assure that Idahoans are served by the effective and responsive court system that they deserve.

TRIBUTE TO THURGOOD MARSHALL

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. DE LA GARZA. Mr. Speaker, recently with the death of Thurgood Marshall our Nation lost an outstanding American. While much was heard on the news and written in the papers about the significance of his contributions to our Nation's heritage, I wanted to take this opportunity to emphasize how great a debt all Americans owe him. I say this because Thurgood Marshall's work and his vision changed in a positive fashion the way many Americans see each other.

Thurgood Marshall was indeed an extraordinary man. He was an individual passionately committed to the rights of all Americans.

He saw what others refused to see. He heard what others refused to hear. He felt the pain and suffered the agony of an entire people, and he tried, as God gave him the ability, to ease it. All this he did within the rule of law, with courage and with dignity.

Recently I read that Thurgood Marshall had said he wanted to be remembered by the

words "that he did what he could with what he had." He did indeed, and we are all the beneficiaries of his judicial legacy. His message will long live on.

LEGISLATION TO BAN SMOKING

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to ban all smoking in federally owned and leased office buildings, including buildings used by the U.S. House and Senate, as well the U.S. courts. I am introducing this legislation after closely reviewing all the recent medical and scientific evidence which clearly indicates that secondhand smoke is a killer. Mr. Speaker, the time has come for the Federal Government to take decisive action to better protect the health and safety of its workers.

According to the results of a study released last month by the Environmental Protection Agency, secondhand smoke is responsible for some 3,000 lung cancer deaths each year in nonsmokers. The bill I am introducing today would ban smoking in all indoor areas of federally owned or leased office buildings.

Under my bill, anyone in a Federal building who wishes to smoke must go outside. The bill would require the General Services Administration, the Administrative Office of the Courts, the House Office Building Commission, the Senate Committee on Rules and Administration, and the Architect of the Capitol to issue regulations to institute and enforce the ban.

On average, Americans spend up to 90 percent of their workday indoors—making most Americans extremely vulnerable to secondhand smoke from indoor air. In many Federal buildings indoor air is recirculated throughout the building, exposing nonsmokers in nonsmoking areas to secondhand smoke. From a public health standpoint, we in the Congress have an obligation to ensure that Federal workers are not being unnecessarily placed at risk. The medical evidence is in; the time for action is now. I urge all of my colleagues to support this legislation.

INTRODUCTION OF INDEPENDENT COUNSEL REAUTHORIZATION ACT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. BROOKS. Mr. Speaker, on February 4 I introduced legislation to reauthorize the Independent Counsel Act, which unfortunately was permitted to lapse on December 15, 1992, due to the blocking efforts of the previous administration. It was unfitting treatment for a principle of good government that was one of the few truly original enhancements to our constitutional democracy in the 20th century. The Independent Counsel Act deserved better, and I intend to see that the situation is corrected early this Congress.

The original act—first passed in 1978 and renewed in 1982 and 1987—came as a nonpartisan response to the shock, dismay and anger that welled up across the land in the wake of the "Saturday night massacre" in which special counsel Archibald Cox was told to clean out his desk simply because he was coming a bit too close to the truth about the Watergate scandal. As more information came to light, as the traditional arm's-length relationship between the Justice Department and the White House became distorted, as apparent and actual conflicts of interest multiplied, the Congress and the Nation realized that there are times when the Justice Department cannot—and should not—be placed in a situation of investigating itself or other high-level officials.

The act that came into being was a testament to the belief in the even-handed and non-political administration of justice—irrespective of which party or personality controls the reins of government.

I believe that the 15 years of experience with the independent counsel statute has shown to all reasonable people that the act works—not as an instrument of political revenge but as a means to establish truth in difficult circumstances. Moreover, the mechanism of an independent counsel in no way impugns the integrity of the many honorable people at the Justice Department. Quite the contrary, it is meant to protect these same dedicated people from any charge of a conflict of interest which, whether true or baseless, could nevertheless undermine their personal reputations and professional work product.

I must confess that the opposition to the use of the statute by the past administration was as inexplicable to me as it was destructive of the public trust. In the past year when the House Judiciary Committee presented two well-grounded requests to use the statute, former Attorney General Barr seemed to take the unprecedented position that he would only act when presented with a signed and sealed indictment of criminal wrongdoing. There was no basis for that interpretation, particularly since the Attorney General is expressly given the opportunity to flesh out the facts further before making any request to the special court for an independent counsel.

Yet, by staking out this extreme position, the former Attorney General refused to ask for an independent counsel even when faced with overwhelming evidence of potentially illegal assistance to the regime of Saddam Hussein by highly-placed administration officials. He even refused to ask for an independent counsel when faced with a criminal conspiracy by Justice officials—documented by two Federal courts—to force Inslaw, a small computer company, out of business and to steal its primary asset—a software system called promis.

I am proud that President Clinton has already turned a new page in opening up Government to the kind of scrutiny that the American people have long demanded. Consistent with this commitment, he has indicated his support for our efforts to revive the act.

But the legislation introduced today not only restores the underlying act; it also addresses criticisms voiced in recent months about procedures and practices. It strengthens fiscal and administrative controls—with changes that apply to all existing independent counsels, as well as to future ones—and it gives the Attorney General explicit authority to use the act in cases involving Members of Congress, even when there is no finding of a personal, financial, or political conflict of interest.

I am very pleased that joining me in this effort are Congressman JOHN BRYANT, who now chairs the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations, and Congressman BARNEY FRANK, former chairman of that same subcommittee. Mr. FRANK is a stalwart supporter of the act who helped lead the fight to save it in the last Congress—until a threatened filibuster in the other body brought that effort to its unfortunate end.

I want to express particular appreciation to the bipartisan support of Senators LEVIN and COHEN who worked with me on the bill and who now stand ready to move the companion legislation in the other body.

Let us send a message to the American people that Government is capable of renewing itself and its core values again and again. In this spirit, let us renew the Independent Counsel Act. I ask for your support in the drive to move this most needed legislation swiftly to enactment.

CLINTON CUTS THREATEN TO END DRUG WAR

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. SHUSTER. Mr. Speaker, I insert the attached article from the February 13, 1993, edition of the Denver-Rocky Mountain News. The article clearly calls into serious question President Clinton's commitment to our Nation's drug war.

[From the Denver-Rocky Mountain News, Feb. 13, 1993]

CLINTON CUTS THREATEN TO END DRUG WAR

WASHINGTON.—The Clinton administration is quietly dismantling the war on drugs and the biggest casualty so far appears to be the aggressive campaign to interdict drugs at their source in Latin America.

Since the administration began reorganizing the government:

The drug czar's office has been cut from 146 to 25.

The State Department is shutting its independent Office of International Narcotic Matters and adding it to an office that will handle environment, labor, population and other issues.

The post of assistant secretary of defense conducting drug-enforcement policy and support, and the top deputy position are vacant. Betting at the Pentagon is that the position will be abolished. The people remaining in that section have been told to take no action pending reassignment.

The White House National Security Council has dropped the drug war from one of three top priorities to No. 29 on a list of 29, according to several sources.

The White House press office referred all questions about the future of the drug war to the drug czar's office, which, in turn, re-

ferred all such questions back to the White House press office.

In Latin America, these changes are widely perceived as a U.S. retreat, even abandonment, of the war on drugs.

"The very first sign that an American president is not 100% behind this war, every bit of progress vaporizes instantly, and it looks like that sign has been given," said a Justice Department attorney.

Headlines from Latin American newspapers on the cutback in the drug czar's office reflected that perception:

In Mexico: "U.S. may end drug war."

In Ecuador: "U.S. cuts drug war staff—the battle may be over."

In Bolivia: "Clinton changes strategy in fight against drugs."

In Colombia: "Clinton staff cuts an ominous sign in drug fight."

Much of the progress of the drug war was not in searching the jungles for illicit drug labs and airstrips, but in prodding Latin American nations to adopt U.S.-style drug laws, to induce bankers and treasury officials to outlaw and prosecute money-laundering and to cajole police and military into arresting some of the most powerful drug lords who for years were paying them off.

The cutbacks have had an adverse impact on the morale of U.S. diplomats, drug agents and military specialists on the ground in Latin America.

While they refuse to openly criticize the new president, privately they expressed dismay and outrage at Washington's actions.

"We were blind-sided," said an embassy officer in Lima. "Of course it's the president's right, but the least someone could have done was warned us he was wiping out the (drug czar's) staff. We just got the Peruvians to start working with us to go after the cartel. Now they think we're pulling out and leaving them holding the bag."

A military adviser to Bogota added, "We don't know what it means here in the embassy, so imagine the mixed signals the people in the Colombian government are getting."

Particularly upsetting was the near-abolition of the drug czar's office, whose principal role was to force rival U.S. agencies to cooperate in the drug war.

Two dozen agencies have men and women assigned to drug-fighting duties in Latin America, among them the Drug Enforcement Administration, Customs, Border Patrol and the State, Justice and Defense departments.

"We worked out a careful balance between U.S. agencies that don't like working with each other doing their things in some countries that didn't want us there," said John Walters, the acting drug czar who resigned Tuesday.

"We never claimed to have a smooth-running precision machine, but we were able to get all the factions together to fight drugs the way Congress demanded. Now the Clinton administration has tossed the whole operation up into the air."

According to Walters, Gen. George Joukwan, who runs the Panama-based U.S. Southern Command and oversees military advisers in Latin America, has been unable to get authorization and funds to continue a successful radar intercept program that began last fall to use Colombian, Bolivian and Peruvian troops and aircraft to capture drug planes.

"No one in the Pentagon could give him the OK because all the high-ranking civilian drug leaders had been asked to resign. The (White House National Security Council), which normally convenes an advisory panel to evaluate requests like these, refused to get involved," Walters said.

STEIN HONORED FOR WORK, ACHIEVEMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. GORDON. Mr. Speaker, Marc Stein, a senior at Beech High School in Sumner County, TN, is an excellent example of what is right about America. Through his academic, athletic, and community achievements, Marc has shown us all how one person can make a difference in building a better world for everyone.

Marc's is a lesson we all can learn. You do not have to be a community organizer, a speech maker, or rich and famous. It is simply a matter of getting involved in a way that addresses the Nation's problems within the scope of your own life, to become a link in the chain that leads to a larger solution.

First, Marc has built an outstanding high school record. He has been named a United States Achievement Academy All American School for 3 consecutive years, selected for "Who's Who Among American High School Students", and received the National Science Merit Award three times. A Century III leader, he has been a delegate to the American Legion Boys' State and an international semifinalist in the Hugh O'Brian Youth Foundation Leadership Seminar.

He has been a standout soccer goalie for the Beech High School varsity and also plays football and runs cross-country track.

But he still finds time for his community.

After several years doing volunteer work each summer as part of the Appalachia Service Project, he is chairing the ASP planning committee this year. In addition, he volunteers for the Meals on Wheels Program and the beautiful Hendersonville Recycling Center.

On June 4, 1992, Marc truly made a difference in the life of a neighbor when he saved an elder woman from drowning after her car had plunged into a rain-swollen creek. After being rescued, the woman said of Marc's efforts, "He didn't have to come in for me like that. He could have stood on the bank and wrung his hands like many other people would have done. That current was unbelievably strong; it was raging and I was about 40 yards away when he first saw me and it was all he could do to get to me."

Indeed, Marc Stein has not been one to stand on the bank and wring his hands. It's a lesson we can all learn.

Please join me in recognizing Marc Stein, who has been named one of eight national recipients of the High School All-American Award. He certainly is deserving.

SALUTE TO MAC WILLIE RHODES IN RECOGNITION OF HIS 95TH BIRTHDAY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. CLYBURN. Mr. Speaker, I welcome my colleagues to join me in paying tribute to a pillar in our community, and African-American great-grandfather, Mr. Mac Willie Rhodes of Sumter, SC.

Mr. Rhodes is a champion in serving his community as he assists neighbors with shopping, driving them to appointments, and taking food to those in need. Mr. Rhodes became a member of Melina Presbyterian Church in 1915 and is now one of its oldest members. He has been a member of Masonic Lodge Golden Gate No. 78 since 1948.

Mr. Rhodes was born in Clarendon County, SC, on February 25, 1898. A grandson of a slave owner, Mr. Rhodes is the second oldest of 15 children. Family, good values, and good living are Mr. Rhodes' most cherished possessions. He is affectionately addressed as "Papa" by his 14 children, 36 grandchildren, and 37 great-grandchildren. Mr. Rhodes loves baseball. His favorite pastime is to read the Bible, newspapers, and magazines. His favorite Bible scripture is the 23d chapter of Psalms.

On Saturday, February 20, 1993, family and friends will gather in celebration of Mr. Rhodes' 95th birthday. Please join me in wishing Mr. Mac Willie Rhodes a prosperous and happy birthday.

MANDATE AND COMMUNITY ASSISTANCE REFORM ACT OF 1993

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. CLINGER. Mr. Speaker, State, and local governments around the Nation have been forced to wear two hats: provider of basic services to the community, and surrogate for the Federal Government in implementing national policy directives that come in the form of unfunded Federal mandates. They cannot continue to wear both. Even after many communities have reduced waste and inefficiency, growth in mandated spending and static or shrinking revenues continue to squeeze State and local budgets. Many States and municipalities have found that tax increases and service cuts are the only ways to keep their heads above water.

Today I am introducing the Mandate and Community Assistance Reform Act of 1993. This measure establishes a commission to look at existing Federal mandates and recommend the elimination of those that are obsolete or lacking practical utility, the temporary suspension during recessionary periods of

particular mandates, and the consolidation of planning or reporting requirements of existing mandates. To ensure these recommendations receive appropriate consideration, they will take effect automatically unless Congress disapproves them within 60 days of their submittal. The Commission also is charged with suggesting common definitions for terms contained in mandates, and with recommending a redistribution of Federal, State, and local responsibilities for intergovernmental programs.

It is safe to say, Mr. Speaker, that most of us at one time or another have voted on legislation without fully appreciating the costs it would impose on our States and localities. This is due in large measure to a loophole in the Congressional Budget Act of 1974, which directs that Congressional Budget Office cost estimates are required only if they can be submitted in a timely manner. My bill amends the Congressional Budget Act to remove the timely manner loophole. It further amends the act to require cost estimates to accompany conference reports, and to require committees to include in their instructions to conferees the costs of their provisions for State and local governments. We must be fully aware of the impact a piece of legislation will have on States and communities if we are to cast an educated vote.

This bill proposes to amend the Regulatory Flexibility Act, as well, which was intended to mitigate the impact of Federal rules on small governments and businesses. Under the act, agencies are expected to conduct regulatory flexibility analyses to determine alternate means of compliance with rules for these small entities. Unfortunately, Reg Flex has a built-in loophole as well. An agency head may certify that a rule will not significantly impact small entities, and as a consequence of that certification, no Reg Flex analysis is required. My bill would make that certification decision part of the whole rulemaking record for purposes of judicial review. I believe this will prompt executive agencies to give more consideration to the effects of their rules on small entities.

Communities are stifled by more than expensive rules and mandates. Those that receive Federal grant funds must try to build a comprehensive plan out of fragmented social service programs. Communities are in the best position to determine where their needs are greatest, and should be able to direct their resources accordingly. My bill proposes to let local governments use some of the money they already receive from the Federal Government to design their own assistance plans for low-income citizens. These plans must be approved by a Federal review council, and must include performance measures to ensure that the plans are designed to get results. Further, no plan may be approved unless low-income citizens have participated in developing the plan. This proposal is an important step toward restoring to local governments the authority to make the best decisions for their constituencies.

I invite my colleagues to join me as cosponsors of this important legislation for our States and communities.

STATE SENATOR JOHN D. PERRY RETIRES

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Ms. SLAUGHTER. Mr. Speaker, I rise today to recognize the career and achievements of New York State Senator John D. Perry. Senator Perry applied his extensive background in education and economics to the major problems of New York State for nine terms before his retirement in 1992.

Senator Perry has been a leading advocate for a fairer State education aid formula. He proposed a comprehensive 10-point education program to address the needs of youth at risk with the goal of greatly reducing the school dropout rate and improving the quality of the work force.

As a member of the New York State Job Training Partnership Council, he continues to work toward coordinating all job training into one comprehensive system.

A nationally recognized expert on the education of disadvantaged young people, Senator Perry serves as senior project consultant for the Interstate Migrant Education Council, a special project of the Education Commission of the States.

Before his election to the New York State Senate, Senator Perry was a member of the Monroe County legislature for 3 years, and was elected minority leader of that body by his Democratic colleagues. He taught history and economics at Penfield High School and has taught economics at the Rochester Institute of Technology and Nazareth College.

We honor State Senator John D. Perry's numerous achievements. His efforts and dedication represent public service of the very highest caliber.

IN TRIBUTE TO SANDRA JONES ANDERSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to Sandra Anderson, for her 28 years of dedicated service to Los Angeles County. Ms. Anderson has served with undying dedication, unrelenting commitment, and fervent devotion. As director of external affairs for the Los Angeles County Department of Health Services, she led the legislative and community relations programs for the second largest deliverer of health care to the public in the United States. Sandra is a resident of the 32d Congressional District.

Throughout her career, Sandra Anderson has displayed the true virtues of a public servant, evidenced by her efforts to improve and advance social and health care services to the citizens of Los Angeles County. Her contributions are numerous in these areas and rich in their substance.

Ms. Anderson's commitment to ensuring the availability and improvement of health care for residents of the county of Los Angeles is noted by her fight in the 1980's against the Federal Medicaid cap proposals, which would have had a detrimental impact on L.A.'s hospital system and its patient population. She was involved in the planning of the First Conference on Indigent Care, which was sponsored by the National Governor's Association, the National Association of Counties, and the city of San Francisco.

Ms. Anderson also assisted in the planning of, and participated in, the Outlook 1984 Conference of black elected and high level officials from Federal, State, and local governments to assist them in addressing issues of importance to their constituency groups.

Mr. Speaker, Ms. Sandra Anderson's academic and professional accomplishments alone would warrant recognition. But she has also been active in her community and in other local social organizations. Being an active member of the YWCA—and the immediate past president of the YWCA of Los Angeles—the Harriet Buhai Center for Law and Poverty, the Jenesse Center for Women, a domestic violence shelter, the United Way, the Los Angeles County Employees Retirement Association Board of Investments, and the Los Angeles County Management Council, is testament to her social awareness and dedication.

Mr. Speaker, I am proud to pay special tribute to Ms. Sandra Anderson for her stellar career helping the citizens of Los Angeles. I urge all Members of the House to join me in recognizing her contributions to Los Angeles County, and in extending best wishes to her on the occasion of her retirement.

SALUTE TO CHIEF ROBERT ANDERSON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. GALLEGLY. Mr. Speaker, I am pleased to rise today to honor an outstanding law enforcement leader and an old friend, Chief Robert A. Anderson, as he retires from the Port Hueneme Police Department.

During his long career with the department, Bob Anderson has been a leader in innovative law enforcement, as well as a leader in his community.

Bob began his career with Port Hueneme in 1970, and was appointed chief on April 12, 1978. As chief, his main goals have been to upgrade and modernize the department and to build ties with the community, and he was successful on both fronts.

Bob was instrumental in beginning the Neighborhood Watch Program in the city, and frequently takes the time to talk with neighborhood groups to get this important plan underway. He also spends many hours giving general safety talks to service groups, and recently was instrumental in establishing the Crime Stoppers Program in the city.

Chief Anderson is a member of many law enforcement organizations, including International Footprinters, the Peace Officers Association of Ventura County, the California Police

Chiefs' Association, and the International Association of Chiefs of Police.

On the community front, Bob Anderson has long been active in a variety of ways. He is a past deputy district governor of the Lions Club, is a 15-year member and past president of the Port Hueneme Boys and Girls Club, served on the chamber of commerce, and in the cabinet of the United Way.

For his dedication, Bob has received numerous awards and commendations, including being named citizen of the year in 1985 by the chamber of commerce and receiving the Man and Boy Award from the Boys and Girls Club in 1984.

Mr. Speaker, I ask my colleagues to join me in honoring Bob Anderson for his many years of service to his community, and to wish him and his wife, Lynn, well as they begin a new life of travel and relaxation.

SALUTE TO GARY CROOK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. GINGRICH. Mr. Speaker, I rise today to recognize the dedication that Gary Crook has shown to the residents of the Sixth District of Georgia.

Gary is a unique individual who always took a very personal, active role in solving whatever problems confronted him. Whether it was his work in helping ensure a quick and professional cleanup of the hazardous waste site at Basket Creek, or his work in ensuring clean water for the Sixth District, he always devoted whatever time it took to see the problem solved.

Gary has since joined the staff of Representative MAC COLLINS; however, we will always remember Gary's contribution to the betterment of the Sixth District.

TRIBUTE TO COMMEMORATE THE 75TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 75th anniversary of Lithuanian independence. This past Sunday, February 14, the Detroit-Lithuanian community marked the event by holding a commemorative program at the Lithuanian cultural center in Southfield, MI.

Throughout the cold war, Lithuania has always been viewed as an occupied country. Since Russian President Boris Yeltsin has agreed to remove all troops by August 1, 1993, Sunday's celebration will hopefully mark the last observance of the anniversary while Russian forces remain in Lithuania. After 53 years of occupation, the removal of troops is long overdue.

During the withdrawal, I will be watching the events in Lithuania closely. I believe the United States must remain vigilant and do whatever it can to ensure Lithuanian sovereignty. I urge my colleagues to join me in encouraging an orderly and complete removal of Russian troops and to be supportive during this time.

I commend the Lithuanian-American community for their vigilance through the many difficult years and extend my best wishes during this commemoration of Lithuanian independence.

IN RECOGNITION OF CAPT. NEWL D. JUDD, USNR

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. SANTORUM. Mr. Speaker, I would like to take this opportunity to recognize Capt. Newl D. Judd of the U.S. Navy Reserve.

During a span of over 30 years of active and reserve duty in the U.S. Navy, Captain Judd has served his country and his community with the highest sense of duty and professionalism.

Captain Judd entered the Navy during World War II and his career spanned both the Korean and Vietnam conflicts. But his sense of obligation to the institution did not stop when he retired.

Upon retirement in 1975, Captain Judd began to volunteer his time and services to work as director, Retired Affairs at the Naval and Marine Corps Training Center in Pittsburgh on a daily basis. In this capacity, he has continuously served for 17 years without pay or benefits from the government. He conducts all seminars on retired benefits and acts as liaison for any marine separating from the Corps. These liaison duties include helping marines receive the latest information on benefits.

Captain Judd continues to volunteer his time and effort in serving as commanding officer of the Pittsburgh Sea Cadet Program, a U.S. Navy League youth organization. Since 1967 he has acted in this capacity without fail.

Captain Judd provides assistance, advice and a point of contact for all retirees, medically discharged veterans, and any veteran from every branch of service requiring assistance on any military problem. This is an enormous job as Captain Judd is the only person providing this service for all of western Pennsylvania, West Virginia, and Ohio. Significantly, his extensive file system has resulted in numerous veterans being awarded benefits they were entitled to, but never offered.

Clearly, Captain Judd has demonstrated the highest qualities of duty, honor, and service. Countless servicemen and veterans, and indeed the American people are indebted and grateful.

TRIBUTE TO AUGUST "GUS" SUTTER

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. DURBIN. Mr. Speaker, I would like to recognize the country's longest serving letter carrier, Mr. August "Gus" Sutter, for a distinguished career of public service in central Illinois.

After 64 years of dependable service, Mr. Sutter has hung up his mailbag. The residents of Montgomery County, IL, will miss their beloved mail carrier who served them faithfully through rain, sleet and snow since 1929. Each day, he left his home in Harvel, IL, to deliver mail to 135 rural residences which required traveling 80 miles a day.

Mr. Sutter began his career driving a Model T Ford and riding a horse when the roads were muddy. At the time of his retirement last month, he was on his fifth car.

Four years ago, the Postmaster General presented Mr. Sutter with a plaque for 60 years of service at a ceremony in Washington, DC, marking one of the highlights of his career.

Mr. Sutter loved his job and should be congratulated for his years of service and hard work. I wish him all the best in retirement.

THE CHILD SUPPORT ECONOMIC SECURITY ACT OF 1993

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mrs. SCHROEDER. Mr. Speaker, I am pleased to reintroduce today the Child Support Economic Security Act of 1993, a measure to improve the collection of child support so that children in single-parent households will have a regular, reliable source of income from their noncustodial parents.

This legislation contains 16 tools for States to use to improve their track records collecting child support. But it does not just ask more of States. It changes the Federal payment structure to the States, providing them with the additional resources that are absolutely critical if we want this system to work. Caseworkers lack essential training and are required to manage caseloads in excess of 1,000 families. Even highly trained caseworkers cannot do justice to a caseload that numbers in the thousands. It is time to recognize that the child support enforcement system needs new resources—including more staff, computer technology, and training—to bring the system in line with the demands of the 21st century.

In addition, the legislation also amends the bankruptcy code to ensure that noncustodial parents cannot use a declaration of bankruptcy to avoid their financial obligations to their children and former spouses.

The failure to pay child support is a national disgrace. News stories about night-time roundups of deadbeat parents help focus public attention on how blatant child support evasion

has become. But more than media attention, what is needed is a new national ethic that makes it unacceptable to avoid paying child support.

Because so many children, one out of four, live in single-parent families, the child support enforcement system has become an integral part of America's income transfer system. Yet 42 percent of the 10 million women living with children under the age of 21 from a noncustodial father have never been awarded child support. Of those with a child support order, only one-half receive the full amount of the child support to which they are entitled and about one-quarter receive no child support at all.

Most children living in single-parent families, 87 percent, live with their mothers. Since women, on average, earn only about two-thirds of what men earn, most women who head single-parent households are at an economic disadvantage compared with their noncustodial ex-spouses, and they rely heavily on child support often just to stay financially afloat.

A 1992 study from the U.S. Bureau of the Census that followed nearly 52,000 children from October 1983 through May 1986 found that within 4 months of their parents' separation, the family income of the children declined by 37 percent. Even more disturbing, the percent of children living in poverty increased from 19 percent to 36 percent in the 4 months following their parents' separation. The number of these children relying on Aid to Families with Dependent Children [AFDC] doubled, and the number of food stamps recipients nearly tripled during the first year of parental separation.

These statistics emphasize just how important a reliable source of income from a noncustodial parent is to these children.

I am deeply saddened by the tremendous amount of mail that I receive from all over the country—much of it from my esteemed colleagues' districts—from distraught parents who cannot get the system to help them. They write of endless delays, some dragging on for years, before child support payments are withheld from the wages of a noncustodial parents. They write about thousands of dollars in unpaid child support. Others report of the failure of the system to tap the resources of a parent, whose whereabouts are known to the custodial parent, but the system never seems to catch up with the nonpaying parent. On average, it takes 1 year to locate an absent parent, and 2 years to establish a court order if a parent has deserted a family.

I do not fault the caseworkers on the front lines, trying to do battle on behalf of a battalion of custodial parents without modern-day equipment and without access to State records that could make their jobs easier.

Congress has been trying since 1975 to improve the collection of child support. But unfortunately, the focus of Federal efforts until recently has been on trying to recoup expenditures on AFDC, rather than trying to make it clear that failure to pay child support will not be tolerated. In the 102d Congress, we took several small steps toward this goal. But much more is needed.

It's time for both the Federal and State governments to put their money where their mouths are when it comes to collecting child support. It's time to dedicate the resources and put some teeth in the program so that the program will work. Systematic reforms, more tools, less cumbersome procedures and automation are needed to move the system into the 21st century. The legislation that I am introducing today takes a big step in that direction.

I commend the work of the Commission on Interstate Child Support, which released its findings and recommendations to Congress last summer. Indeed, some of the measures contained in the legislation I am introducing today, are included among the Commission's recommendations. I will work with my colleagues as we study the Commission's recommendations and move forward.

But I suspect that process will not proceed quickly. And I am ready to move now. Custodial parents need help now. My legislation, which focuses on specific tools that States can implement within a short period of time. I urge my colleagues to join with me in moving the Child Support Economic Security Act of 1993 quickly through Congress so that we can provide real relief to custodial parents now. At the same time, I know that my colleagues will want to examine the more long-term systemic overhauls to the IV–D system that have been proposed.

I urge my colleagues to join with me in cosponsoring this important legislation. It is time for the receipt of child support to be as automatic as the receipt of Social Security is to our Nation's senior citizens. While parents with child support obligations may try to avoid their child support responsibilities, they should not be allowed to hide from them. We owe this much to our children.

LEGISLATION TO ABOLISH THE INTERSTATE COMMERCE COMMISSION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. HEFLEY. Mr. Speaker, today I am reintroducing legislation to abolish the Interstate Commerce Commission [ICC]. This is the fourth Congress that I have introduced this legislation, and while the political climate has changed dramatically since the free-market days of that first bill, I continue to believe that the ICC has outlived its usefulness and should be shut down.

The ICC was created in 1887 in response to public outcry over abuses committed by the emerging railroad industry. The legislation which created the ICC, the Interstate Commerce Act, required that rates be reasonable and just and prohibited discrimination, price fixing, or rebates. The bill comprised 10 pages of legislation.

Years later, after the ICC's responsibilities had been expanded to include the trucking, busing, and moving industries, that act had over 500 pages of statutes.

This growth would be fine if there were a real need for the work that the ICC does. The purpose of the ICC is to protect consumers and shippers from discrimination and cutthroat pricing practices. At one time, the ICC may have played an important role in curbing these abuses and enabling infant industries and communities to develop and prosper.

Eighty years after its inception, however, those industries regulated by the ICC were definitely not prospering. Many observers believed that rather than protect consumers and shippers, the primary effect of the ICC's policies was to protect established companies from competition, inflating rates, and taking billions from consumers through excess charges.

In response to these concerns, Congress initiated a wave of reforms that deregulated to one degree or another all of the industries under the ICC's authority. These reforms included the Staggers Rail Act of 1980, the Motor Carrier Act of 1980, the Household Goods Transportation Act of 1980, and the Bus Regulation Reform Act of 1982 and they left the ICC with diminished responsibilities and a correspondingly smaller budget.

At the time Congress was acting on these reforms, critics claimed that deregulation would allow the affected industries to resume their previous abuses and cause a general increase in transportation costs to consumers. Just the opposite has been true.

Deregulation of the rail, trucking, busing, and moving industries has resulted in increased competition and lower costs to consumers. In the last 12 years, literally billions of dollars have been saved by consumers. The success of deregulation brings the whole purpose of the ICC into question. Why do we need an independent agency to regulate prices when the markets are fully capable of regulating themselves?

The bill I am introducing today recognizes the diminished role of the ICC and takes the next logical step. The bill would abolish the ICC by the end of fiscal year 1995 and transfer its remaining duties to other appropriate agencies.

This is not a deregulatory bill. All the current responsibilities shouldered by the ICC would be transferred to other agencies. The ICC's rail freight functions would be transferred to the Department of Transportation and it's residual regulatory and enforcement responsibilities would be transferred to the Federal Trade Commission and the Department of Justice.

This bill will not disemploy career civil servants. All civil servants employed by the ICC would be transferred to those agencies which assume its functions. The only jobs eliminated by this legislation are those positions held by political appointees.

This is not a partisan bill. Most of the deregulation affecting the ICC occurred under the Carter administration with the assistance of a Democratic Congress.

This is a good government bill. We currently spend $40 million a year to continue an independent agency whose job could be carried out by existing agencies. While this bill won's save all $40 million, it will result in significant savings and help streamline Government.

As we move into the 21st century, the United States must continue to become more competitive in the global marketplace. This will require more efficiency from both the private sector and the Government. The elimination of the ICC represents a commitment to move the

country in the right direction. This bill will trim the size of the Federal bureaucracy, make the Government more efficient, and save the taxpayer money.

CAN YOU SPOT THE TRUTH ABOUT PHARMACEUTICAL DRUG PRICES?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. STARK. Mr. Speaker, I would like to share with you the information contained in the Pharmaceutical Manufacturers Association's version of how the drug industry is doing, compared to what I call the Pete Stark Reality Association's version of how the drug industry is doing.

The PMA has been running an ad which includes a tearsheet from Fortune magazine. The story from which it was taken discussed how American industry stacks up. The pharmaceutical manufacturers were more than happy to show their A grade as a score for United States competitiveness relative to Japan and Europe. They failed to point out that this competitiveness grade is probably based on the Government subsidies, National Institutes of Health research, R&D and other tax credits, and generous patent protection given to the drug industry compliments of the American taxpayer. They go on to try and imply that the reason they got such a high mark is based on the industry's research rather than on their sky-high profits.

As founder, inventor, and CEO of what I'll call the Pete Stark Reality Association, I'll give you the real picture.

The real scorecard of the pharmaceutical industry shows an industry which distorts the truth in their advertisements while reaping huge profits at the expense of America's health. The real scorecard shows an industry who gets an F in market competition because of their virtual oligopoly and jacked up prices; an F in United States prices versus Canadian prices because of their practice of charging American consumers far more than they charge Canadian consumers; an F in affordability for seniors who have been hurt the most, both in their pocketbook and quality of health, by skyrocketing drug prices; a D-minus in containing health costs due to the fact that they are one of the downright selfish culprits in our gigantic health inflation; a D in the affordability of drugs overall for the very same reasons; a D in product innovation and a C-minus in research expenditures because of their abuse of Government subsidies for research and development and greater concern for good marketing rather than good innovation. Finally, by all means, they deserve at least three A's in marketing because of the incredible amount of money they put into it and their amazing ability to sucker us, the consumers, into believing that they're doing all they can on our behalf.

My version of the ad points out that a grossly expensive ad campaign is the Pharmaceutical Manufacturer Association's strength. In the past 5 years, prescription drug companies have had profit margins four times the rate of the average Fortune 500 company. Their prices have soared at four times the rate of inflation. While their profits have gone up over 200 percent, their R&D has gone up less than 10 percent. Nonetheless, they try to keep their consumers happy by spending some of these profits on expensive ad campaigns that distort the truth. And their prices are still soaring. Ethical? No. Profitable? Indeed. Pharmaceutical ad campaigns are cheap tactics at a high price.

If you too would like to find out how pharmaceutical companies really spend most of their money, I'll give you a hint; it's not on R&D. And if you want to know more about the legislation that hopes to change their practices, I welcome you to give me a call and read some of my legislation to contain the costs of prescription drugs and work for a cure for our health crisis.

TRIBUTE TO SAMMIE R. YOUNG

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mrs. MORELLA. Mr. Speaker, Mr. Sammie R. Young, a man noted for his tough but fair compliance stance on matters affecting the quality and safety of the Nation's drug and biologics supply, retired from the Food and Drug Administration [FDA] on November 3, 1992, after more than 41 years of dedicated Government service.

Mr. Young's retirement is considered by the people who worked with him as the passing of an era. He has always been highly respected for his knowledge of and experience in FDA compliance actions relating to pharmaceutical law and regulation.The loss of his expertise and highly valued guidance has already been felt.

Throughout his career, Mr. Young—a resident of Montgomery County, MD—consistently demonstrated the highest level of dedication to the American public health and welfare. He has devoted his full attention to the management and improvement of the FDA's human drug and biologics programs. His personal efforts have substantially contributed to the safety and effectiveness of regulated pharmaceutical products by virtue of continued surveillance and compliance activities managed by FDA.

Mr. Young began his Government career following graduation from the University of Florida. Mr. Young first served as an FDA investigator in the Agency's Dallas district office and was subsequently reassigned to FDA's Philadelphia district office where he served as a drug specialist investigator and supervisory investigator.

In 1971, Mr. Young transferred to FDA headquarters in Rockville, MD, where he assumed regulatory and enforcement duties in the then Bureau of Drugs. Following this, he was assigned to the Office of Associate Commissioner for Compliance. In 1974, Mr. Young was selected and completed the FDA Executive Development Program gaining further regulatory experience. He was promoted and reassigned to the then Bureau of Biologics as Director of Compliance. Mr. Young was instrumental in the development and implementation of the surveillance and compliance programs for all biological products, including blood, blood products, plasma and vaccines regulated by FDA Bureau of Biologics.

In 1983, following a reorganization, Mr. Young was designed as the Deputy Director of the Office of Compliance in the now Center for Drug Evaluation and Research [CDER], the position he held until his retirement. While in this position, Mr. Young directed legal actions and was known for his outstanding performance in resolving complex regulatory problems by developing and applying new approaches in the area of assuring drug safety and efficacy.

Mr. Young personally directed and monitored a little-known but critically important program at FDA in cooperation with the World Health Organization's [WHO] Scheme to Assure the Quality of Pharmaceuticals in International Commerce. FDA is recognized by WHO as the only competent authority in the United States for issuing a certification on the quality of domestically produced drugs which are exported all over the world. Mr. Young's work in this program has contributed to the ability of U.S. pharmaceutical manufacturers and distributors to export American drugs without difficulty and thus he has significantly contributed his assistance to aiding in our Nation's attempts to achieve a favorable balance of trade.

Mr. Young has received the Agency's highest award, the Award of Merit, in 1989 for his efforts toward the development of the FDA Personnel Guide for the Evaluation of Non-supervisory Consumer Safety Officers—compliance officers—which for the first time created a mechanism whereby top-of-the-grade exceptional individuals in this field could achieve promotions based on their unique qualifications and expertise.

I am pleased to commend Mr. Young for his long and outstanding career as a dedicated public servant.

INTRODUCING THE COPYRIGHT REFORM ACT OF 1993

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. HUGHES. Mr. Speaker, today, joined by Mr. FRANK, I introduce the Copyright Reform Act of 1993. An identical bill is being introduced in the Senate. As chairman of the Subcommittee on Intellectual Property and Judicial Administration, I have a keen interest in the Copyright Office and the Copyright Royalty Tribunal, two agencies for which the subcommittee has oversight jurisdiction. In the case of the Copyright Royalty Tribunal, we have an agency that is both broken and unnecessary. In the case of the Copyright Office, we have an agency that would be benefited by some relatively minor changes.

During the recent election, the public made clear that it wants a leaner, more efficient Government. President Clinton has taken some steps to reduce the size of the executive

branch, and in his address to the Nation last night, he strongly reiterated the need to eliminate wasteful bureaucracy. The Copyright Reform Act of 1993 will bring needed reform to the administration of copyright in the legislative branch: It is a win-win bill that will eliminate an unnecessary agency, reduce the size of legislative branch employment, and remove bureaucratic obstacles to the enforcement of copyright.

EXPLANATION OF BILL

THE COPYRIGHT OFFICE

Title I of the bill concerns the operations of the Copyright Office. The Copyright Office is a part of the Library of Congress. The placement of the Copyright Office in the Library is an outgrowth of an 1870 centralization of the copyright registration and deposit requirements. Before 1870, copyright was secured by filing a prepublication copy of the title page of the work with the U.S. district court where the claimant resided, and by depositing, after publication, copies of the work with the Secretary of State. In 1870, both functions were assigned to the Library of Congress.

The 1870 centralization was extremely successful as a way for the Library of Congress to receive free books. So successful, in fact, that the Librarian of Congress requested the Congress to authorize the construction of a new building to house the deposits and the Library's administrative offices, which were, at the time, in the Capitol. The Librarian's request was fulfilled 27 years later, with the completion of the magnificent Thomas Jefferson Memorial Building, located across the street from the Capitol and adjacent to the Supreme Court.

The year 1897 was a banner year for another reason: The Congress authorized the Librarian to hire a Register of Copyrights to be in charge of the Copyright Department. Before 1897, copyright registration was, in many cases, handled personally by the Librarian.

The Copyright Reform Act of 1993 vests new responsibilities in the Register of Copyrights, including many presently assigned to the Copyright Royalty Tribunal. In light of these new responsibilities and certain separation of power issues discussed below in my explanation of title II of the bill, the act makes the Register a Presidential appointee, subject to the advice and consent of the Senate.

The legislation adopts other Copyright Office reforms that bear explanation. First, the bill repeals sections 411(a) and 412 of title 17, United States Code. Section 411(a) requires that copyright owners register their claim—or have that claim refused—before instituting an action for copyright infringement. Section 412 prohibits the courts from awarding attorney's fees and statutory damages to the copyright owner if the claim has not been registered before the infringement occurs. In the case of published works, there is a 3-month grace period measured from the date of first publication. Section 411(b), which provides special standing for certain works that are first fixed while being simultaneously transmitted, is retained, but amended to delete the registration requirement.

Sections 411(a) and 412 were reviewed during the debates that preceded passage of the Berne Implementation Act of 1988. That act left section 412 unamended, but created a two-tier approach to registration under section 411(a): The copyright owner of a work whose country of origin is a Berne country other than the United States does not have to comply with section 411(a). All other copyright owners, including U.S. authors, however, must comply with that section.

While the two-tier approach permitted adherence to the Berne Convention, it has resulted in U.S. authors being less favorably treated than foreign authors. With Berne adherence behind us, it is time to rethink the two-tier approach. Retention of the section 411(a) requirement has been justified principally on two grounds:

First, it is argued that section 411(a) weeds out frivolous claims. The problem with this argument is that section 411(a) permits claimants to file suit after a rejection. Thus, at most, section 411(a) deters only the assertion of frivolous claims by those who are not sufficiently determined to bring suit after a rejection.

On the other hand, section 411(a), when coupled with section 412, has deprived individuals and small businesses from asserting meritorious claims. Visual artists have been unable to pursue cases of clear-cut copyright infringement because they have not registered their works before an infringement occurs. Many individuals and small businesses are simply unaware that they will be deprived of important remedies if they do not "file with the Government."

Even those who are aware of the section 412 penalty may not be able to avoid its deprivation of remedies. Photographers on assignment typically send their negatives to the newspaper or magazine that has temporarily hired them. Because the negatives remain in the custody of the newspaper or magazine, it is generally impossible for the photographer to comply with the deposit requirements. Because they cannot readily comply with the deposit requirements, they cannot register their work. Because they cannot register their work, they cannot receive attorney's fees and statutory damages pursuant to section 412. Even if photographers could register their works, because it is impossible to know beforehand when a work—or which work—will be infringed, in the case of published photographs photographers are faced with the burden of having to register hundreds, if not thousands of photographs at an obviously prohibitive cost.

Second, it was argued that repeal of section 411(a) and 412 would adversely affect the Library of Congress' acquisition of deposits. The legislation, however, retains the mandatory deposit requirement of section 407 for the benefit of the Library of Congress, the voluntary registration provision of section 408, and the prima facie status that certificates of registration are given under section 410(c). Under section 410(c) a certificate of registration obtained within 5 years of first publication constitutes prima facie evidence of the validity of the copyright and of the facts stated therein. This evidence is often quite useful in preliminary injunction proceedings. Thus, nothing in the bill directly affects the Library's acquisition practices.

During the debates over Berne adherence, it was argued that repeal of section 411(a) would indirectly weaken the Library's acquisitions because fewer deposits would be received under the separate section 408 voluntary registration system. The effect on section 407 as a result of repeal of section 411(a) was, I believe, vastly overstated in those debates. In 1991, 634,797 claims to copyright a year were filed with the Copyright Office, while only 1,831 suits for copyright infringement were filed. Obviously, the vast majority of claimants register for reasons unconnected with litigation.

Repeal of section 411(a) can have no effect on the Library's ability to acquire deposits it needs since section 407 is unamended. Thus, as in the past, the Library retains the full authority to demand, backed up by the Justice Department, any and all copies of copyrighted works published in the United States, entirely apart from the registration system.

I also note that a 1983 policy decision of the Copyright Office and the Librarian of Congress permits the destruction of deposit copies of published works submitted for registration—other than works of visual art—after 5 years. Deposit copies of works of the visual art may be destroyed after 10 years.

Perhaps even more significantly, Copyright Office regulations, approved by the Librarian of Congress, completely exempt the following categories of works from the section 407(a) deposit requirements:

First, diagrams and models illustrating scientific or technical works or formulating scientific or technical information in linear or three-dimensional form, such as an architectural or engineering blueprint, plan, or design, a mechanical drawing, or anatomical model.

Second, greeting cards, picture postcards, and stationery.

Third, lectures, sermons, speeches, and addresses when published individually and not as a collection of the works of one or more authors.

Fourth, literary, dramatic, and musical works published only as embodied in phonorecords.

Fifth, automated databases available only online in the United States.

Sixth, three-dimensional sculptural works, and any works published only as reproduced in or on jewelry, dolls, toys, games, plaques, floor coverings, wallpaper and similar commercial wall coverings, textiles and other fabrics, packaging material, or any useful article.

Seventh, prints, labels, and other advertising matter, including catalogs published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services.

Eighth, tests, and answer material for tests when published separately from other literary works.

Ninth, works first published as individual contributions to collective works.

Tenth, works first published outside the United States and later published in the United States without change in copyrightable content if registration is made under section 408.

Eleventh, works published only as embodied in a soundtrack that is an integral part of a motion picture.

Twelfth, motion pictures that consist of television transmission programs and that have been published, if at all, by reason of a license or grant to a nonprofit institution of the right to make a fixation of the program directly from a transmission to the public.

A cursory review of reported court opinions reveals that a significant amount of litigation involves works falling within one of these exempt categories.

Given the infinitesimal amount of works involved in litigation relative to the number registered—to say nothing of those created but not registered; the exemption from the Library deposit requirements for much subject matter involved in litigation, and the possible destruction of deposit copies after 5 years, repeal of the section 411(a) and 412 requirements should not in any way impact adversely on the Library's acquisition activities. I trust that as in the past, the Library will be diligent in ensuring that it obtains the material it needs.

The final amendment made in title I of the bill relating to the Copyright Office's functions reverses the decisions in *National Peregrine, Inc.* v. *Capitol Federal Savings and Loan,* 116 Bankr. 194 (Bank. C.D. Cal. 1990) and *Official Unsecured Creditors' Committee* v. *Zenith Productions, Ltd. (in re AEG Acquisition Corp.,* 127 Bankr. 34 (Bank. C.D. Cal. 1991), to the extent those decisions held that State Uniform Commercial Code statutes for perfecting security interests are preempted by sections 205 and 301 of the Copyright Act. These decisions have required individuals or organizations taking copyrights as security for financing or loans to comply with the recordation requirements of section 205 of title 17, United States Code, or be deemed an unsecured creditor. Since section 205(c)(2) also requires registration for the work, a considerable amount of time and expense is required in order to comply with these decisions.

These decisions have turned a relatively simple business transaction into a nightmare for businesses and lenders. Moreover, given that a number of lenders have, in the past, only made UCC filings, there is considerable uncertainty about past transactions. This uncertainty is heightened by lenders' inability to register the work.

Congress' intent in enacting the relevant provisions in section 205 was to provide a system for ordering the priority between conflicting transfers, not to preempt state procedures for ensuring that a secured creditor's rights are protected. There is no reason the Federal and State systems cannot coexist in this area.

I am aware that similar issues have arisen with respect to filings in the Patent and Trademark Office. I plan to meet with the Patent and Trademark Office and the affected interests and learn whether amendments should be made to this bill to take into account difficulties in the patent and trademark field.

COPYRIGHT ROYALTY TRIBUNAL

Title II of the bill abolishes the existing Copyright Royalty Tribunal [CRT] and reassigns its functions to the Register of Copyrights and to ad hoc arbitration panels.

The Copyright Royalty Tribunal is an agency whose members have very little to do; perhaps as a result, the three CRT Commissioners seem to spend most of their time feuding. They can well afford to feud: The current salary for Tribunal members is $111,800 per year. The Tribunal's functions can, and under the legislation will be, performed by ad hoc arbitration panels convened by the Register of Copyrights. This procedure was proposed in earlier versions of the revision bills that led to the 1976 Copyright Act, but was abandoned in response to the Supreme Court's January 1976 decision in *Buckley* v. *Valeo,* 424 U.S. 1 (1976). The Buckley concern arose because the Register of Copyrights was not a Presidential appointee. Since this bill makes the Register of Copyrights a Presidential appointee, any Buckley problems are removed.

Abolition of the Copyright Royalty Tribunal and its replacement with ad hoc arbitration panels has a number of significant advantages. First, taxpayers will benefit by not having to help foot the bill for an unnecessary agency. Second, copyright royalty claimants will benefit by not having to foot the largest part of that bill. Currently, the bulk of the Tribunal's costs are deducted from royalties. By employing ad hoc arbitration panels, administrative costs can be reduced, resulting in increased royalty payments to authors. Third, since the claimants will bear the full costs of arbitration, they will have an extra incentive to reduce the number of issues adjudicated, leading to fewer controversies, and increased royalties. Finally, arbitrated rates can be expected to more closely resemble market rates than a Government-set compulsory license fee.

The experience with arbitration under the section 119 statutory license was a positive one, and indicates that the approach taken in the legislation introduced today can work for the other royalty schemes in title 17.

Somewhat simplified, the legislation takes the following approach: The time tables for adjustment of the compulsory license rates in the statute are left in place. Where there is no controversy over the distribution of royalty fees, the Register of Copyrights will distribute the fees. Where there is such a controversy, the distribution will be made by an ad hoc arbitration panel. In a procedure adapted from the section 119 statutory license, arbitrated decisions may be appealed to the Register of Copyrights. The Register of Copyrights' decision may be appealed to the U.S. Court of Appeals for the District of Columbia. In order to avoid any disruption in present business practices, the legislation preserves all royalty rates and distribution allocations, whether fixed by statute, by the Copyright Royalty Tribunal, or by voluntary agreement, in effect on January 1, 1994, until such time as those rates are adjusted by an arbitration panel or voluntary agreement.

The legislation makes no substantive changes in the existing compulsory licenses, with one exception. Section 116, covering performance of nondramatic works by jukeboxes, is repealed. Section 116A, which superseded section 116 in the Berne Implementation Act of 1988, is renumbered section 116, and as elsewhere in the bill, the Copyright Royalty Tribunal's functions are delegated to the Register of Copyrights and to the ad hoc arbitration panels. The availability of arbitration will provide a sufficient safety net for jukebox operators in the event that voluntary negotiations are unsuccessful.

THE HAMPTON UNIVERSITY CONCERT CHOIR AND HAMPTON PARENT'S CLUB

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. WYNN. Mr. Speaker, I rise in order to pay tribute to the Hampton University Concert Choir and the Hampton University Parent's Club.

The Hampton University choir is affiliated with Hampton University in Virginia, a historically black college that marks its 125th anniversary this year. I want to commemorate the Hampton University Concert Choir for its excellent performances over the past year. Choir members will perform this Sunday, February 7, at the Zion Baptist Church in Washington, DC, as part of Black History Month activities planned in Washington, DC.

The choir is one of the most famous concert choirs in this country and abroad. Performers have sung everything from classical concertos to arias, choral music to gospel spirituals, and even contemporary music.

Under the direction of Roland Carter, the Hampton Concert Choir has toured and performed in Europe, the Virgin Islands, New York, Philadelphia, and Washington. Members also performed at the Interlochen Fine Arts Camp in Michigan. The choir has also premiered the music of well-known and innovative composers, including Noel Da Costa and Robert Nathaniel Dett.

I especially want to thank the Hampton Parent's Club for their work with the choir. The club has been closely involved in raising scholarship money. Without the parent's work, the efforts of the choir would go unnoticed.

Mr. Speaker, I want to state my appreciation of and high regard for these talented performers and their parents.

NEW MEXICANS EARN FOOTPRINTS AWARD

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1993

Mr. SCHIFF. Mr. Speaker, the State of New Mexico is a land of many peoples and many cultures—something of which all New Mexicans are justifiably proud. From the early explorer Esteban to the Buffalo Soldiers to the leaders of today, African-Americans have played a vital role in the history and the development of the Land of Enchantment.

As we celebrate Black History Month, it is my great honor and privilege to recognize four outstanding New Mexicans whose contributions to their communities and their State have earned them the prestigious "Footprints Award" of the Albuquerque Branch of the NAACP.

These four are Helena Washington, Diana Dorn Jones, Linger N. Douglas, and Raymond Hamilton.

Mrs. Washington, of Rio Rancho, has devoted great time and energy to performing arts

projects that focus on the history and culture of African-Americans. She has directed and produced two major African-American plays and is a scholar with the New Mexico Endowment for the Humanities. Mrs. Washington currently is portraying Harriet Tubman in another important production and is researching African-Americans who have contributed to the diversity of New Mexico.

Ms. Jones, of Albuquerque, is executive director of the South Broadway Housing Project and is president of the John Marshall Neighborhood Association. She works closely with families to provide housing and has facilitated more than $2 million in home sales to low- and moderate-income families. She chairs the city of Albuquerque Affordable Housing Committee, represents New Mexico on the Federal Home Loan Bank of Dallas affordable housing advisory board and is a member of the executive committee of the city of Albuquerque's Shared Vision project to build a greater community.

Ms. Jones also has organized marches against gangs and drugs, and has advocated educational changes to improve reading and testing levels among children. She continues to be active in the fight against racism and for the betterment of her community and her State.

Ms. Douglas, of Roswell, has taught school for the past 18 years and now teaches fourth grade at the Roswell Independent Schools.

While teaching with the Hobs Municipal School System, Ms. Douglas implemented a special reading and writing program, and she has been responsible for teaching economically deprived students who were deficient in math and reading in the Artesia Public School System. She also has taught in Albuquerque and in Clovis.

Ms. Douglas has supervised student teachers at the University of New Mexico in Albuquerque and Eastern New Mexico University in Portales, where she obtained her undergraduate and graduate degrees. She also was instrumental in obtaining grant moneys for the outdoor education lab at the Roswell school system.

Ms. Douglas is a member of the National Congress of Parents and Teachers Association, New Mexico, the New Mexico Education Association, the New Mexico Association of Classroom Teachers and the International Reading Association.

Mr. Hamilton is an Albuquerque attorney and Harvard Law School graduate. A former intern for Senator Joseph M. Montoya, in Washington, DC, Mr. Hamilton has worked tirelessly for the campaigns of a number of African-American political candidates.

Mr. Hamilton is a former member of the board of directors of the New Mexico Legal Aid Society; a member of the board of visitors of the University of New Mexico School of Law; a hearing officer for the State Bar of New Mexico's disciplinary board; past president of the New Mexico Black Lawyers Association; chaiman of the law school subcommittee of the committee on minority involvement in the State Bar of New Mexico; and the chairman of the NAACP legal redress committee.

Mr. Hamilton has received the attorney general's Award for Volunteerism and was selected as an Outstanding Young Albuquerquean by the Albuquerque Junior Chamber of Commerce.

Black History Month provides us with an outstanding opportunity to recognize the contributions of African-Americans in New Mexico and across the United States. I am pleased and proud to offer my thanks and congratulations to Helena Washington, Diana Dorn Jones, Linger N. Douglas, Raymond Hamilton, to the Albuquerque chapter of the NAACP for sponsoring the Footprints Award and to all the other African-Americans who help to make New Mexico a great and proud State.